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INVESTIGATION OF COMMUNIST ACTIVITIES, NEW YORK AREA—Part VI
(ENTERTAINMENT)

HEARINGS

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES

EIGHTY-FOURTH CONGRESS

FIRST SESSION

AUGUST 15 AND 16, 1955

(INDEX IN PART VII OF THIS SERIES)

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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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Public Law 601, 79th Congress

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * *

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

Rule X

SEC. 121. STANDING COMMITTEES

* * * * * * *

17. Committee on Un-American Activities, to consist of nine Members.

Rule XI

POWERS AND DUTIES OF COMMITTEES

* * * * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American Activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 84TH CONGRESS

House Resolution 5, January 5, 1955

* * * * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

* * * * * * *

(q) Committee on Un-American Activities, to consist of nine Members.

* * * * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * * * *

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INVESTIGATION OF COMMUNIST ACTIVITIES, NEW YORK AREA—PART VI

(Entertainment)

MONDAY, AUGUST 15, 1955

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
New York, N. Y.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met at 10 a. m., pursuant to notice, in room 1703 of the Federal Building, Foley Square, New York, N. Y., Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representatives Walter, Willis, and Scherer.

Staff members present: Frank S. Tavenner, Jr., counsel; Donald T. Appell and Frank Bonora, investigators; and Thomas W. Beale, Sr., chief clerk.

Chairman WALTER. The committee will come to order.

Let the record show that I, Francis Walter, of Pennsylvania, chairman of the Committee on Un-American Activities, House of Representatives, Washington, D. C., pursuant to the provisions of law, have duly appointed a subcommittee for the purpose of conducting this hearing, composed of Representative Edwin E. Willis, of Louisiana, on my right, and Gordon H. Scherer, of Ohio, on my left, and myself as subcommittee chairman. The full membership of the subcommittee is present.

The Congress of the United States has imposed upon this committee the duty of investigating the extent, character, and objects of un-American propaganda activities in the United States, the diffusion within the United States of subversive and un-American propaganda, that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and all other questions in relation thereto that would aid Congress in the performance of its responsibility.

In that connection I would like to state that the investigations here conducted are not being conducted because this subcommittee has any desire to do this work, but are being conducted in pursuance to the provisions of a law which was enacted overwhelmingly, and for the work of the committee the appropriation of which was approved at this session of the Congress unanimously.

Those of you, or those of our citizenry who feel that they have cause to complain about the work of this committee, ought to be aware of the fact that their own Congressman did not oppose the appropriation for this committee.

This committee has devoted the greater part of its effort in the past few years to the investigation of communism. Prior to that time the committee investigated communism, naziism, and fascism. The committee has endeavored to keep Congress informed of the Communist conspiracy within this country.

In the performance of this huge task, the committee in its reports to Congress, has made 48 recommendations for legislation by the Congress, or the strengthening of existing legislation designed to aid the fight against this Communist conspiracy.

All but four of these recommendations have been enacted into law in one form or another by the Congress of the United States.

In performing the statutory duty imposed upon this committee as outlined above, investigation of Communist activities within the field of entertainment, following an earlier interrogation of persons known as the Hollywood Ten, was begun in 1951. During the course of numerous hearings conducted in Los Angeles between 1951 and 1955, it was learned that many individuals alleged to have knowledge of Communist Party activities within this field came to Hollywood from the city of New York, and in instances returned from Hollywood to the city of New York.

A conclusion was reached by the committee several years ago, or several years before I became its chairman, that the hearings begun in the general field of entertainment should be extended to the New York area.

Quite a few witnesses from this area have been heard by the committee in Washington since 1951. A large part of the committee's New York hearings conducted in May of 1953 dealt with activities in the entertainment field. At the original meeting of the committee in January of 1955, further preliminary investigative work was agreed upon, and on June 8, 1955, the committee took the following action:

This is from the minutes of the committee meeting:

The clerk was directed to proceed with the investigation of Communist infiltration in the field of entertainment in New York, a preliminary investigation having been authorized earlier.

In opening these hearings, I should like to state for the record that the committee is concerned with only one problem. That problem is the extent to which the Communist Party is active in the entertainment media. This hearing is not an investigation of the field of entertainment nor of any of the great trade unions which represent actors, actresses, and writers, and allied workers in radio, television, or the legitimate theater.

During these hearings, witnesses will appear before the committee who will, I assume, criticize the committee as they have previously criticized the committee in the public press. They will accuse the committee of being a tool of this organization or that organization, or being an instrument of fear to be raised over the heads of the television and radio workers or the Broadway producers. The committee is interested in one thing and one thing alone. That is to ascertain, and

identify individuals who are or were members of the Communist Party and who are using or did use their influence to promote the objectives of the Communist Party within the entertainment field, and to inquire as to the character, extent, and objectives of such Communist Party activities.

It has been fully established in testimony before congressional committees, and before the courts of our land that the Communist Party of the United States is part of an international conspiracy which is being used as a tool or a weapon by a foreign power to promote its own foreign policy, and which has for its objectives the overthrow of the governments of all non-Communist countries, resorting to the use of force and violence if necessary.

The Communist Party cannot live in this country except by the promulgation and diffusion of subversive and un-American propaganda and in the view of this committee, and of the Congress, every person who remains a member of it is contributing to the ultimate accomplishment of its purposes. Communism and Communist activities cannot be investigated in a vacuum. It is necessary that witnesses be called and interrogated regarding their knowledge of such activities.

It is the standing rule of this committee that any person named in the course of a committee hearing as a member of the Communist Party be given an early opportunity to appear before this committee, if he so desires, for the purpose of denying or explaining any testimony affecting him.

Should such an occasion arise, the individual concerned should communicate with a member of the staff or with me.

Those of you present in this hearing room are reminded that you are the guests of the committee. A disturbance of any kind, or audible comment during the course of testimony, whether favorable or unfavorable to any witness or the committee will not be tolerated. For infractions of this rule, the offender will be immediately asked to leave the room.

May I make it clear that the fact that a lawyer appears before the committee as counsel for a witness should not be taken as any disparagement of counsel for so doing. We invite counsel to be present. However, for the benefit of counsel who have not heretofore appeared before this committee, may I state a positive limitation on the privilege that legal counsel has before this committee? Counsel is not permitted to address the committee or to argue questions of law or fact with the committee. Counsel is permitted to be present for the purpose of advising his client of his constitutional rights, which of course the counsel will understand does not include prompting the witness, or suggesting testimony as to factual matters.

Have you a witness, Mr. Tavenner?

Mr. TAVENNER. Yes, sir. I would like to call Mr. George Tyne.

Mr. Tyne, will you come forward, please?

Chairman WALTER. Mr. Tyne, will you raise your right hand, please?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TYNE. I do.

TESTIMONY OF GEORGE TYNE, ACCOMPANIED BY COUNSEL, MARTIN POPPER

Mr. TAVENNER. What is your name, please, sir?

Mr. TYNE. My name is George Tyne.

Mr. TAVENNER. It is noted that you are accompanied by counsel, Will counsel please identify himself for the record?

Mr. POPPER. Martin Popper, member of the bar of the State of New York.

Mr. TAVENNER. When and where were you born, Mr. Tyne?

Mr. TYNE. I was born in Philadelphia, Pa., February 6, 1917.

Mr. TAVENNER. Where do you now reside?

Mr. TYNE. I reside in New York City.

Mr. TAVENNER. At what address?

Mr. TYNE. 415 Central Park West.

Mr. TAVENNER. How long have you lived in New York City?

Mr. TYNE. Well, at this residence, sir?

Mr. TAVENNER. Begin that way, yes, at that residence.

Mr. TYNE. The reason I asked, is that I have been out of New York for most of my adult life. At this address, I have been, I think, about 2 years or 3 years.

Mr. TAVENNER. What is your occupation?

Mr. TYNE. I am a radio, screen, theater, and television actor.

Mr. TAVENNER. In what work are you presently engaged?

Mr. TYNE. I am presently engaged in the theater.

Mr. TAVENNER. What type of work in the theater?

Mr. TYNE. As an actor.

Mr. TAVENNER. In what play are you an actor?

Mr. TYNE. The Rainmaker.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. TYNE. Formal educational training consisted of spending my primary education in Philadelphia, and in New York City. I graduated from high school in Brooklyn, and attended the School of Business Administration of City College for two semesters at night and that is the end of my formal education.

May I inject, sir, I have a statement that I would like to make to this committee. May I read it?

Chairman WALTER. No; you may file it and it will be made a part of the record.

Mr. TAVENNER. In all probability, my questions will bring out or give you an opportunity to state what you have in mind, if your statement is material to the inquiry.

Will you tell the committee, please, what your career has been in the field of acting?

Mr. TYNE. Surely. I have done a number of plays in New York and in——

Mr. TAVENNER. Let us begin first with the plays you did in New York, and the period of time.

Mr. TYNE. Surely. My first professional engagement was in a musical entitled, "Of Thee We Sing." I also appeared subsequently in another musical review entitled, "Let Freedom Sing."

Mr. TAVENNER. Were those engagements in New York?

Mr. TYNE. That is right.

Mr. TAVENNER. Approximately what date?

Mr. TYNE. I would say 1941 and 1942.

I have appeared in Sound of Hunting, See the Jaguar, Lunatics and Lovers, and I also appeared in plays in California.

Mr. TAVENNER. Were the plays that you mentioned, plays in New York?

Mr. TYNE. The preceding ones?

Mr. TAVENNER. Yes.

Mr. TYNE. Yes, sir.

Mr. TAVENNER. During what period of time?

Mr. TYNE. Well, I just mentioned the first two were around 1941 and 1942, and the subsequent Sound of Hunting was in 1945.

Mr. TAVENNER. How were you employed between 1942 and 1945?

Mr. TYNE. That is what I am getting at. I went to California, at which time I appeared in plays and in motion pictures.

Mr. TAVENNER. When did you go to California?

Mr. TYNE. I went to California in the end of 1942, I believe, sir, and I am not sure of the exact month.

Mr. TAVENNER. What was your employment after you arrived in California?

Mr. TYNE. I was employed in the motion picture industry as an actor, and I appeared in many films, up until the year 1951, at which time I was blacklisted out of the motion picture industry. This committee published my name, in a press release, in a newspaper, which ended my acting in the motion-picture industry.

Chairman WALTER. Just a minute, let us get the record straight. The committee didn't publish your name at all. Your name appeared in the public press; isn't that correct?

Mr. TYNE. I think that is tantamount.

Chairman WALTER. All right.

Mr. TAVENNER. Did you have employment arranged in Hollywood prior to your leaving New York in 1942?

Mr. TYNE. I don't think that I quite understand.

Mr. TAVENNER. Did you go to Hollywood for the purpose of seeking employment, or were you certain of your employment before leaving New York?

Mr. TYNE. Well, if you know anything about actors, and their search for employment——

Mr. TAVENNER. I am just asking you what was the situation in your case. I am not asking about actors generally.

Mr. TYNE. Well, I think mine is a pretty general case.

Mr. TAVENNER. What was the situation in your case?

Mr. TYNE. I went to seek my fortune in Hollywood, and I went to look for a job in the motion picture industry.

Mr. TAVENNER. What was your first employment in Hollywood?

Mr. TYNE. My first picture?

Mr. TAVENNER. Your first employment.

Mr. TYNE. You see, the reason I can't quite recall, sir, is the first couple of years in Hollywood I worked at what we call in the trade, as a "bit actor." This entailed 1 or 2 days work in a motion picture, I am sure you are acquainted with this, and I must say over a period of years I have done 50 or 60, and I am trying to recall the first one. I think it was a comedy, with Laurel and Hardy. I think that was a day's work on a set, and I couldn't remember the name of the picture.

Mr. TAVENNER. Will you give us your screen credits while acting as a moving picture artist or actor.

Mr. TYNE. I have appeared—suppose I give you the important credits, as I said, I don't want to mention the 50 or 60, it is a waste of time.

Mr. TAVENNER. And give us the approximate date.

Mr. TYNE. Surely. I free-lanced at the major studios. At Twentieth Century Fox, I appeared in Call Northside 777. And the date, I think it is 1947, and I am not sure of that.

Mr. TAVENNER. Did you have any screen credits prior to 1947?

Mr. TYNE. Yes. I am not taking these in any particular chronological order, and just as they occur to me.

Mr. TAVENNER. Pick out the first credit.

Mr. TYNE. The first major credit was A Walk in the Sun.

Mr. TAVENNER. At approximately what date?

Mr. TYNE. That was shot during 1943, and I think it was released in 1944.

Mr. TAVENNER. What was your next credit?

Mr. TYNE. Call Northside 777 I think was the next one, and The Highway was the next one, in 1947 and 1948.

Mr. TAVENNER. Did you go from 1942 until 1947 without a screen credit?

Mr. TYNE. Yes, sir. The screen credit, you mean feature billing on the screen, as I said before, many jobs didn't give you the right to have screen credit.

Mr. TAVENNER. How were you employed in 1944? That is after you had your first screen credit.

Mr. TYNE. As I said before, I was employed as a bit actor, free lancing from one studio to another, jobs entailing 1 or 2 days at a time.

Mr. TAVENNER. Where did you reside during that period, in 1944?

Mr. TYNE. In Hollywood.

Mr. TAVENNER. Where?

Mr. TYNE. In 1944, I don't remember. I would speculate, I think it was Sycamore Avenue, and I think it was Pinehurst Drive, and of course I moved a couple of times in that area.

Mr. TAVENNER. Do you recall what address on Sycamore Avenue?

Mr. TYNE. I don't remember.

Mr. TAVENNER. Do you recall what address on Pinehurst Drive?

Mr. TYNE. I think it was twenty-one-hundred-something, and I am not sure.

Mr. TAVENNER. Could it have been 2008?

Mr. TYNE. Well, frankly, it sounds right, but I couldn't say, I wouldn't swear that it is.

Mr. TAVENNER. Very well, will you proceed now to give us your other screen credits in Hollywood?

Mr. TYNE. I skipped one, Walk in the Sun, Objective Burma, a Warner Brothers picture, and Sands of Iwo Jima.

Mr. TAVENNER. Approximately what date?

Mr. TYNE. Objective Burma was also 1944, and Sands of Iwo Jima was I think, in 1948 or 1949, if I remember correctly. I think that is right.

Mr. TAVENNER. Will you proceed with the remaining major screen credits which you have received.

Mr. TYNE. After that I appeared in, Decision Before Dawn, where I received feature billing, and that was the last moving picture job I had.

Mr. TAVENNER. When was that?

Mr. TYNE. In 1951.

Mr. TAVENNER. What part of 1951?

Mr. TYNE. Well, the picture was made in 1950, it was shot in 1950 and the production was in 1950, and it was released in 1951. I couldn't recall exactly what date it was.

Mr. TAVENNER. Then, what was your next work in Hollywood?

Mr. TYNE. As I said before, because of the fact that I was blacklisted out of the motion picture industry, I came to New York to seek employment.

Mr. TAVENNER. When did you come to New York?

Mr. TYNE. I was in New York in the end of 1951.

Mr. TAVENNER. By the end of 1951, do you mean by December of 1951?

Mr. TYNE. I think I came to New York Christmas Eve, or Christmas Day. I think it was Christmas Eve.

Mr. TAVENNER. Where were you prior to coming to New York?

Mr. TYNE. Prior to coming to New York I was in Europe.

Mr. TAVENNER. When did you go to Europe?

Mr. TYNE. I went to Europe in 1950.

Mr. TAVENNER. So you were in Europe from 1950 until December of 1951?

Mr. TYNE. That is right.

Mr. TAVENNER. What was your purpose in going to Europe?

Mr. TYNE. My original purpose was to be a tourist, to see the world, and fortunately, I found employment in Decision Before Dawn which kept me occupied, or the job lasted practically about 10 months.

Mr. TAVENNER. What was the name of your employer?

Mr. TYNE. That was Twentieth Century Fox production, Decision Before Dawn.

Mr. TAVENNER. And that was work you did abroad?

Mr. TYNE. That is right.

Mr. TAVENNER. Where?

Mr. TYNE. The picture was shot in Germany. Would you like to know the cities? It was on location.

Mr. TAVENNER. That is sufficient. Then you returned in December of 1951 to New York?

Mr. TYNE. That is right.

Mr. TAVENNER. What employment did you obtain in New York?

Mr. TYNE. I obtained employment on television.

Mr. TAVENNER. By whom were you employed?

Mr. TYNE. I am trying to remember the first show. I think it was the Columbia Workshop.

Mr. TAVENNER. About when did you obtain that employment?

Mr. TYNE. I couldn't remember the specific date. I think it was in the spring of that year, of 1952. I do not have the dates with me, and I couldn't tell you specifically.

Mr. TAVENNER. Was it as early as February of 1952?

Mr. TYNE. It might be.

Mr. TAVENNER. How long did you remain employed in television after your first employment in February of 1952 in New York?

Mr. TYNE. Well, I would say approximately 3 or 4 months, that is, I was blacklisted off television I think in May, and I am not sure, April or May. So I would say 3 or 4 months.

Mr. TAVENNER. Where did you go then?

Mr. TYNE. That summer I drove back to California and assisted my father in his business, since he needed help, and since I was out of work and I could not work on television, and I decided this would be a good way to spend the summer.

Mr. TAVENNER. How long did you remain in California?

Mr. TYNE. I remained in California, let us put it this way, I was there about a year, but it was interrupted by a job in a play called See the Jaguar, and unfortunately it only lasted 5 performances. So I went right back to California.

Mr. TAVENNER. How long did you remain in California?

Mr. TYNE. As I said, about a year.

Mr. TAVENNER. Then you mentioned you came back to New York.

Mr. TYNE. That is right, I came back in September, I think it was 2 years ago.

Mr. TAVENNER. That would be 1953.

Mr. TYNE. I think that is correct.

Mr. TAVENNER. What has been your employment since 1953?

Mr. TYNE. Now, in 1953 it was pretty rough. I did some winter stock which amounted to about 2 or 3 weeks in Memphis, Tenn., and do you want to know the plays?

I appeared in an off-Broadway production, Three-Penny Opera, and I spent the subsequent summer as a director of theatrical activities at a summer resort, and I returned to New York again to seek further employment, and I got a job with Lunatics and Lovers, which I was with from approximately the end of October to the end of July.

Mr. SCHERER. Pardon me, may I interrupt to ask a question?

Did you say that you were a director of entertainment at a summer camp?

Mr. TYNE. Summer resort.

Mr. SCHERER. Where was that resort located?

Mr. TYNE. Schrooncrest.

Mr. SCHERER. In what State?

Mr. TYNE. Pottersville, N. Y.

Mr. SCHERER. In what year were you at this resort?

Mr. TYNE. This was a year ago this past summer. This summer, that is right.

Mr. TAVENNER. Was that a resort or was it in the nature of a camp which young people attended for the summer?

Mr. TYNE. It was an adult hotel resort. As a matter of fact, they frowned on children coming there. Probably felt they ate too much or something.

Mr. TAVENNER. At what other resorts did you work in 1953?

Mr. TYNE. That is it.

Mr. TAVENNER. Is George Tyne your professional name?

Mr. TYNE. That is right; it is.

Mr. TAVENNER. What is your real name?

Mr. TYNE. I was born Martin Yarus.

Mr. TAVENNER. Did you at any time act under that name?

Mr. TYNE. Yes.

Mr. TAVENNER. So you did for a period of time, use your own name, and then later adopted a professional name?

Mr. TYNE. Which is also my own name. I think they both are my own names.

Mr. TAVENNER. But one is your professional name, and the other is the name under which you were born?

Mr. TYNE. Well, as you pointed out, I have used both professionally.

Mr. TAVENNER. I have noticed in some references to plays in which you have been engaged, that your name has been used George, and then parenthesis "Buddy", parenthesis, and Tyne. Were you known as "Buddy" Yarus?

Mr. TYNE. Yes, Buddy is a nickname that my intimates use, and my family.

Mr. TAVENNER. You stated that you left California in 1950 for Europe. What time in 1950 did you leave?

Mr. TYNE. In May, I think.

Mr. TAVENNER. Was that about the time the Committee on Un-American Activities was calling members from the moving-picture industry, and I mean by that, persons employed by the moving-picture industry, to Washington for purposes of interrogation?

Mr. TYNE. May I consult my counsel?

Mr. TAVENNER. Yes.

(The witness consulted his counsel.)

Mr. TYNE. My only knowledge of that would be of what I read in the public press, and also the press that I read while I was in Europe. While here and also while in Europe.

Mr. TAVENNER. What is your knowledge of it?

Mr. TYNE. I think, as you stated, that this committee called people for inquiry.

Mr. TAVENNER. Were you aware that a subpena was issued on June 15, 1951, for your appearance before the committee in the city of Washington, and which the United States marshal in the southern district of California as late as September 10, 1951, was unable to serve? Were you aware of the existence of that subpena for you?

Mr. TYNE. I was not aware of this subpena until several months after my name had appeared in the Los Angeles newspapers that this committee was looking for me.

Mr. TAVENNER. You didn't advise the committee where you were, did you?

Mr. TYNE. As I said before, that was several months later.

Mr. SCHERER. The question is whether you advised the committee several months later where you were.

Mr. TYNE. No, of course not.

Mr. TAVENNER. Were you advised in February of 1952, when you were employed in New York City for a period of about 3 months, that the committee was endeavoring to serve a subpena on you in New York City?

Mr. TYNE. No.

Mr. TAVENNER. I understand from your testimony, that you went to California in 1942. I have before me the testimony of Mr. Lee J. Cobb, which was taken before this committee on June 2, 1953. Mr. Cobb described to the committee his Communist Party membership, and the activities in the Communist Party which he was aware of,

and he told the committee how he got into the Communist Party and the circumstances under which he left it.

He advised the committee that in January or February of 1943 he was a member of a group of the Communist Party of which George Tyne, Elliott Sullivan, and Victor Killian were members. In referring to you, he uses the name George Tyne, also known as Buddy Yarus.

Were you a member of the group of the Communist Party in 1943 of which Mr. Lee J. Cobb was a member?

(The witness consulted with his counsel.)

Mr. TYNE. Mr. Tavenner, I would like to say that I see no legislative purpose in this committee and its inquiry into the theater, and I would like to voice my responsibility to the Constitution and say that this committee has no right to invade my inner beliefs and my conscience or my associations.

Chairman WALTER. Maybe we could shorten this by asking you if you know Mr. Cobb. Do you know Mr. Lee J. Cobb?

Mr. TYNE. As I said before, my associations and my beliefs are my own.

Chairman WALTER. That is not an answer to the question. Either answer the question or do not. If you don't, why don't you?

Mr. TYNE. Because I feel that I have to answer this in my own way, and secondly I take no value in the word of a stool pigeon.

Chairman WALTER. Now just a moment; Mr. Cobb is not a stool pigeon, and I assume, that because you have described him as such, you are disturbed because he told about your activities with him in an illegal field. Isn't that why you describe him as a stool pigeon?

Mr. TYNE. I am disturbed by anybody who appears before this committee as a stool pigeon, who curries favor, who tries to get jobs, and money, and gives names.

Chairman WALTER. That is not a response to the question. Do you know Mr. Lee J. Cobb?

Mr. TYNE. I think that—one moment.

(The witness consulted with his counsel.)

Mr. TYNE. I must repeat that I find——

Chairman WALTER. Do you know Mr. Lee J. Cobb?

Mr. TYNE. I am trying to answer the question.

Chairman WALTER. You have not answered it at all.

Mr. TYNE. I have to answer it the way I can answer it.

Chairman WALTER. Do you know Lee J. Cobb, and I direct you to answer that question.

Mr. TYNE. I want to say I find this question an invasion of my private——

Chairman WALTER. Do you know Lee J. Cobb?

Mr. TYNE. I repeat, sir, this is an invasion of my associations, and——

Chairman WALTER. The Supreme Court has already passed on that; so you are in error, and now, do you know Lee J. Cobb?

Mr. TYNE. As far as I know, Mr. Walter, I haven't got your experience with the Constitution and the laws.

Chairman WALTER. Do you know Lee J. Cobb?

Mr. TYNE. I must answer that I refuse to have my rights and my private associations invaded, and I cannot answer that question.

Chairman WALTER. In other words, you refuse to answer the question?

Mr. TYNE. I refuse to answer because I feel this committee has no right——

Chairman WALTER. For what reason?

Mr. TYNE. Because I feel this committee is invading my conscience, and my beliefs, and my rights as a human being, under the Constitution, as a member of the fourth branch of the Government, the citizenry, and I cannot see any point to the inquiry of this committee, what legislative purpose in knowing——

Chairman WALTER. For what constitutional reason do you refuse to answer the question?

Mr. TYNE. I think that I have made my reason quite clear.

Mr. SCHERER. I think that we should say to the witness that he has not given a sufficient legal reason for not answering the question, and in our opinion he is guilty of contempt.

Chairman WALTER. Under the recent decisions of the Supreme Court, it is the duty of the committee to warn a witness when he takes the position that you have taken, that he is in contempt. I advise you, or at least I warn you, that in our judgment, you are in contempt for not giving a legal reason for not answering the question.

(The witness consulted his counsel.)

Mr. TYNE. I would like to say that I beg to differ with the chairman.

Chairman WALTER. All right. You have refused to answer the question. Ask the next question, Mr. Tavenner.

Mr. TYNE. There is no legislative purpose, and their point——

Chairman WALTER. Let us get over that bridge. I have heard all that about legislative purpose before. We have another purpose, and it is within the law. The Supreme Court has passed on that, and we are doing a very distasteful job in accordance with the law. If you are not going to answer the question, all right. Ask another question, Mr. Tavenner.

Mr. SCHERER. Mr. Chairman, before Mr. Tavenner proceeds, may I ask a question?

Mr. Tyne, Mr. Tavenner read to you the testimony of Mr. Cobb before this committee, and you classify Mr. Cobb as a stool pigeon. Was any of the testimony that was given to this committee by Mr. Cobb about you untrue? You have your opportunity now to say whether the testimony of this man, whom you classify as a stool pigeon, was true or untrue.

Mr. TYNE. I will use this opportunity. I think this is a variation of the same question, and I feel this is an invasion of my rights as an individual, and I will not talk about my political, personal, or private beliefs, and I stand on my constitutional rights.

Mr. SCHERER. He didn't say anything about your beliefs. He merely said you were a member of a Communist cell.

Mr. TYNE. I have answered your question.

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer my question as to whether or not anything Mr. Cobb said in his testimony before this committee about this witness was untrue.

Chairman WALTER. I direct you to answer that question.

Mr. TYNE. I say, again, that I stand on the basic rights, the Bill of Rights, of the Constitution, which says that Congress has no right to make inquiries or interfere or question my private beliefs, and the

invasion of my associations and of my conscience. There is no legislative purpose in this committee making an inquiry into the theater. This is an area of ideas.

Chairman WALTER. Just a minute. You are not the theater. You may think you are, but you are not the theater.

Mr. TYNE. I am a proud member of this theater.

Chairman WALTER. That is a difference.

Mr. TYNE. I am a member and I want that clear, and I have worked many years in polishing my craft so I could be in this theater. I am very proud of my profession, and I am proud of my talent.

Chairman WALTER. Yes, I suppose you are.

Mr. TYNE. That makes me an integral part of the theater of America, of the United States of America.

Chairman WALTER. But I think that most people in the theater would think that you are presumptuous for attempting to speak for them.

Will you proceed, Mr. Tavenner?

Mr. TAVENNER. Mr. Tyne, I have before me a photostatic copy of a Communist Party registration card, which shows that the 1944 card number was 46948, the name is Buddy Yarus, and the address, 2008 Pinehurst, city of Hollywood, county of Los Angeles, State of California. The new card issued December 9, 1944. Will you examine the document please, and state whether or not you recognize it as having been your Communist Party card?

(A document was handed to the witness.)

(The witness consulted with his counsel.)

Mr. TYNE. I think this is the same question, sir, and just in another form.

Mr. SCHERER. Mr. Chairman, he has not looked at the card, and I think that you should direct him to look at the exhibit which was handed to him.

Mr. TYNE. I have looked at the card, and I see it.

Chairman WALTER. Is it your card?

Mr. TYNE. Again I am not going to answer that, Mr. Chairman, because I feel this is an invasion of my rights and my beliefs.

Mr. SCHERER. I ask you to direct the witness to answer.

Chairman WALTER. I direct you to answer that question.

Mr. TYNE. I have to repeat, sir, that I stand on my previous answer.

Chairman WALTER. Which is what?

Mr. TYNE. That I see no legislative purpose in this committee's inquiry into the theater, and I stand on my constitutional rights, and not only do I stand on it but I feel a responsibility to stand on my constitutional rights that this committee has no right to invade my beliefs, my associations, and how I think.

Mr. SCHERER. I understand then that you are not relying on the fifth amendment?

Mr. TYNE. That is right, and I would like to point out that I have no incriminating evidence to hide, and I recognize the validity of the fifth, and I think the people who have used it, and the privilege is wonderful.

Chairman WALTER. Will you ask the next question, Mr. Tavenner?

Mr. TAVENNER. Were you one of the 1,500 delegates who attended a peace meeting at Mexico City in August of 1949?

(The witness consulted with his counsel.)

Mr. TYNE. I must repeat I think this is the same question, and you are trying to make some association or try to find out what my political beliefs are.

Mr. SCHERER. That is not the same question.

Chairman WALTER. I direct you to answer that question.

Mr. TYNE. I think it is the same question, sir, and the same kind, and I must answer in the same way.

Chairman WALTER. You are not under any obligation to answer, and you say that you must answer. You are not obliged to answer in that fashion.

(The witness consulted with his counsel.)

Mr. TYNE. It isn't a question of obligation. I have a right to answer as I see fit.

Mr. SCHERER. In refusing to answer Mr. Tavenner's question as to whether or not you attended this meeting in Mexico City, you are not relying on the fifth amendment; is that right?

Mr. TYNE. That is right.

Mr. TAVENNER. Were you a sponsor of that meeting?

Mr. TYNE. The same pattern, and the same question.

Chairman WALTER. I direct you to answer that question.

Mr. TYNE. I repeat, sir, that I have a right not to have my personal affiliations, associations, and beliefs invaded by any committee, and I stand on that as my answer.

Mr. TAVENNER. In ascribing to the committee the shows in which you participated in California, did you advise the committee that you took part or that you were the director of a show in 1953 entitled, "Going Down the Road"?

(The witness consulted with his counsel.)

Mr. TYNE. Yes; I participated in this production.

Mr. TAVENNER. Were you its director?

Mr. TYNE. Yes.

Mr. TAVENNER. I hand you a photostatic copy of the July 15, 1953, issue of the Daily People's World, published in California. It carries an article over the name of Charles Glenn. Were you personally acquainted with Charles Glenn?

Mr. TYNE. There we go again. That is the same question, and it is the same pattern. I will not reveal my associations and my beliefs to this committee.

Chairman WALTER. You are not being asked anything about your beliefs at all. You are being asked whether or not you know Charles Glenn.

Mr. TYNE. I am being asked about my associations.

Chairman WALTER. Do you know Charles Glenn?

(The witness consulted with his counsel.)

Mr. TYNE. From what I understand of the Constitution, I have a right to peacefully assemble with anyone.

Chairman WALTER. We are not talking about that, and we are not questioning that. What we are asking you is whether or not you know this man.

Mr. TYNE. I think that I have made my position clear.

Mr. SCHERER. I ask that you direct the witness to answer.

Chairman WALTER. I direct the witness to answer.

Mr. TYNE. Then I repeat that this committee has no right to invade my political beliefs, and my associations, and my conscience, and I stand on that as my answer. No matter what way you ask me.

Mr. TAVENNER. Mr. Tyne, the reviewer, Charles Glenn, has this to say about the show:

Bourgeois theater enterpreneurs insist upon entertainment values, so called, and an abandonment of a minimizing of a "message"—

the "message" is in quotation marks—

A people's theater must insist on content, on the dramatization of the struggles of the people. It must insist as well on its "message," being clothed in a form lending itself to dramatic and entertainment value. Freedom Stage undoubtedly has this potential in its group, and so does Ellis, and this play proves it.

I want to ask you whether or not this was a play designed to carry a Communist message?

(The witness consulted with his counsel.)

Mr. TYNE. I think this question really reveals the purpose of this committee in New York City, in the sense that you are trying to control and censor and set up conformity as to what should appear on the stage in America. I think that this is an invasion of the first amendment as I believe it to be.

Mr. SCHERER. I ask you to direct the witness to answer.

Mr. TYNE. I see no legislative purpose, and incidentally, I think, as I understand the Constitution, that this committee has no right to legislate in this area.

Chairman WALTER. Just a moment. I think not for your benefit, but I think for the benefit of the record it might be appropriate for me to read a part of the decision in the case of the United States against Josephson, in which the same question was raised.

The argument of the appellant, and the amicus, is in substance that the committee's power to investigate is limited by Congress' power to legislate. Congress is prohibited from legislating on matters of thought, speech, or opinion. Ergo, a statute empowering a congressional committee to investigate such powers is unconstitutional. The mere statement of this syllogism is sufficient to refute it.

That is what the Supreme Court of the United States has had to say about what you are talking about.

Mr. SCHERER. I want to keep the record straight. I ask that you direct the witness to answer Mr. Tavenner's last question.

Chairman WALTER. I direct you to answer Mr. Tavenner's last question.

Mr. TYNE. May my attorney answer the legal argument?

Chairman WALTER. No, I know what he will say.

Mr. POPPER. I will say that you made an error, first of all, because that wasn't the Supreme Court.

Chairman WALTER. It is the circuit court of appeals, but the Supreme Court refused to review.

Mr. POPPER. That is the point. Very recently the Supreme Court decided to review it.

Chairman WALTER. I am just keeping the record straight.

Mr. TAVENNER. The chairman directed that you answer the question. You did not reply.

Mr. TYNE. I have forgotten what the question was.

Mr. TAVENNER. Will the reporter read the question?

(Whereupon the reporter read the pending question as above recorded.)

Mr. SCHERER. That is the question I asked Mr. Chairman to direct the witness to answer.

Chairman WALTER. I direct you to answer the question.

Mr. TYNE. I feel I have already answered that question in answering the previous questions, and this is the same question.

Mr. SCHERER. For the record, I think it should be stated that we do not accept his answer, and we feel that the reasons given are not legal reasons for refusing to answer the question. In our opinion the witness is in contempt of the committee. I think that is in conformity with the Supreme Court decision.

Chairman WALTER. That is correct.

Mr. SCHERER. I think we should state our position, namely, that my statement is a basis for a future action by this committee of a citation for contempt.

Mr. TAVENNER. Were you a member of the Communist Party at the time that you were engaged as director of this play?

Mr. TYNE. Here we go again. This is the same question, and I give you the same answer. This is an invasion of my private rights and associations and beliefs, and personal political beliefs, and I stand on that.

Chairman WALTER. Is that the sole reason for your refusing to answer?

Mr. TYNE. I also see no pertinency of any legislative purpose.

Mr. SCHERER. Do I understand that you are not relying on the fifth amendment for refusing to answer this question?

Mr. TYNE. Exactly, sir, and there is no question of self-incrimination. I have great respect for the fifth amendment and the people who use it.

Mr. WILLIS. But you are not invoking it?

Mr. TYNE. I am not invoking the fifth. I personally feel that I have to stand on what I think is my constitutional right which is that this committee or any section of Congress has no right to invade my privacy as a citizen, and my beliefs, and my associations.

Mr. SCHERER. Even as to your membership in a criminal conspiracy which the Communist conspiracy is? Do you feel that way?

Mr. TYNE. I am not in a position to argue any opinion.

Chairman WALTER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Tyne, are you a member of any unions organized within the field of acting?

(The witness consulted with his counsel.)

Mr. TYNE. I repeat the answer to this question is the same as the question about my association and my beliefs, and I see no pertinent points or any legislative purpose in answering your question because I think it is an invasion of my rights as an individual, my economic and political beliefs, and my conscience.

Mr. WILLIS. I think he should be directed to answer the question.

Chairman WALTER. I direct you to answer the question.

(The witness consulted with his counsel.)

Mr. TYNE. I have answered the question, and I stand on that.

Mr. TAVENNER. Are you a member of Actors Equity?

Mr. TYNE. That is the same question.

Mr. TAVENNER. Well then answer it.

Mr. TYNE. I have answered the question.

Chairman WALTER. I direct you to answer the question as to whether or not you are a member of Actors Equity?

(The witness consulted with his counsel.)

Mr. TYNE. I must answer in the same way, and I repeat it, and this committee has no right to ask me of my associations and my beliefs and I stand on that as my answer.

Mr. TAVENNER. Are you a member of the American Federation of Television and Radio Artists?

Mr. TYNE. That is the same question and I give you the same answer.

Mr. TAVENNER. I ask that the witness be directed to answer.

Chairman WALTER. I direct you to answer the question.

Mr. TYNE. I repeat, this committee has no right to inquire into my associations, my beliefs, and my conscience.

Chairman WALTER. In view of the fact that that is not an answer, I am compelled to warn you that you are in contempt of this committee.

(The witness consulted with his counsel.)

Mr. TYNE. That is your opinion, and I disagree with it.

Mr. TAVENNER. Are you aware of the existence within the American Federation of Television and Radio Artists of a caucus composed of members of the Communist Party who are also members of that organization?

Mr. TYNE. I think that your question is trying to entrap me, and I have already answered, and it is just the same thing all over again with another form and another word. If you would like me to repeat what I believe and what I stand on, I will.

Chairman WALTER. Never mind, you have already answered the question.

Mr. TYNE. I am glad I made myself clear.

Chairman WALTER. You haven't exactly made yourself clear, but we know what you are saying.

Mr. TYNE. The committee has made itself clear, and I feel that I have made myself clear.

Chairman WALTER. All right. Proceed, Mr. Tavenner.

Mr. SCHERER. I think that there should be a direction to answer Mr. Tavenner's last question. We do not accept his answer.

Chairman WALTER. I direct you to answer that question.

Mr. TYNE. I will glady repeat my previous answer, that this committee or any section of Congress has no right to invade the rights of the individual, his beliefs, his conscience, his associations and his right to assemble, period.

Mr. TAVENNER. Have you at any time attended a caucus of members of the American Federation of Television and Radio Artists, who were members of the Communist Party?

Mr. TYNE. This is the same question with a few other adjectives and nouns. I repeat my answer to this question, that I stand on my constitutional right that this committee has no right to invade my rights and my associations.

Mr. TAVENNER. May I ask a direction?

Chairman WALTER. I direct you to answer the question.

Mr. TYNE. Yes, it has gone on, and it is very easy to see. It is getting a little monotonous.

Chairman WALTER. It is not monotonous to us.

Mr. TYNE. Certainly it is not to me, because I am very clear in my position. I stand on my constitutional right to say this committee has no right and no legislative purpose in invading this area of my thinking, and my associations, and my beliefs.

Mr. TAVENNER. Are you aware of any effort made by the Communist Party to exert influence within any union of which you are a member?

Mr. TYNE. This is another question to try to entrap me, and I repeat——

Mr. TAVENNER. No, it is an effort to obtain facts, Mr. Tyne, which you apparently are unwilling to give the committee.

Mr. SCHERER. Facts which, if he wanted to, he could give the committee. I know he has knowledge of the situation.

(The witness consulted with his counsel.)

Mr. TYNE. Would you please repeat the question?

(Whereupon the reporter read the pending question as above recorded.)

Mr. TYNE. I believe this is the same question in other words. I would like to say again that I think this committee has no right to invade my rights and I would like to see the day when the courts will uphold my feeling about this, and the feeling of a lot of people, that there is no legislative purpose in making inquiries into the theater, or inquiries——

Chairman WALTER. We made it abundantly clear that we are not making any inquiry into the theater. We are just finding out, if we can, what elements there are in the theater which might at some time or other bring criticism upon decent and innocend people.

Now go ahead, Mr. Tavenner, and ask the next question.

Mr. TAVENNER. I have no further questions.

Mr. TYNE. Does that prove that you have no legislative purpose, that statement that you just made, Mr. Walter?

Chairman WALTER. Are there any further questions?

Mr. TAVENNER. No, sir.

Chairman WALTER. Are you a member of the Communist Party?

Mr. TYNE. That is the same question.

Chairman WALTER. Now, right now, are you a member of the Communist Party?

Mr. TYNE. Mr. Walter, if I were to answer that, that would be in my feeling, personally, that I would be violating the Constitution which says that Congress has no right to invade the beliefs and the associations and the conscience of the individuals of this country. That is my answer.

Chairman WALTER. Are there any questions?

Mr. SCHERER. I ask you to direct the witness to answer your last question.

Chairman WALTER. We will proceed.

Do you have a question?

Mr. SCHERER. No.

(Whereupon the witness was excused.)

Mr. TAVENNER. I will call Mr. John Randolph.

Mr. BOUDIN. May I ask that there will be no pictures?

Chairman WALTER. After he starts to testify, there will be no pictures taken. You know the rule and you have been before this com-

mittee on other occasions, and you know that the rule is to permit the taking of pictures prior to the testifying of the witness.

Will the witness take his place, please? Will you stand up, please, and raise your right hand?

Mr. RANDOLPH. Can I put my papers out?

Chairman WALTER. After you are sworn. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RANDOLPH. I do.

Now I would like to have no pictures and no camera and nothing taken of me during or before or afterward.

Chairman WALTER. That is right.

TESTIMONY OF JOHN RANDOLPH; ACCOMPANIED BY HIS COUNSEL, LEONARD B. BOUDIN

Mr. TAVENNER. Will you state your name, please?

Mr. RANDOLPH. Just a minute, sir, do you mind, please?

Mr. TAVENNER. It is quite all right.

Chairman WALTER. The committee will stand in recess for 5 minutes, and that will give you an opportunity to arrange your props.

(Whereupon, a short recess was taken by the committee.)

Chairman WALTER. We will proceed.

Mr. TAVENNER. Will you state your name, please, sir?

(The witness consulted with counsel.)

Mr. RANDOLPH. John Randolph.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Would counsel please identify himself for the record?

Mr. BOUDIN. Leonard Boudin, 25 Broad Street, New York, 5, N. Y.

Excuse me, Mr. Tavenner, the witness wishes to ask a question which relates directly to the jurisdiction of the committee.

Chairman WALTER. You are not going to ask questions. You are here to answer them.

Mr. TAVENNER. When were you born?

Mr. RANDOLPH. Excuse me, it seems to me if I am going to answer questions here, I should know the purpose of this investigation.

Chairman WALTER. Just a minute. Go ahead, Mr. Tavenner.

Mr. TAVENNER. When were you born, Mr. Randolph?

Mr. RANDOLPH. Bronx, N. Y.

Mr. TAVENNER. When?

Mr. RANDOLPH. June 1, 1915.

Am I authorized to see the resolution authorizing the subcommittee to conduct today's investigation?

Chairman WALTER. No, but if you want to question the validity of these proceedings, the United States courts are open for that purpose, and I suggest that you do it in the proper fashion. Go ahead and ask your questions, Mr. Tavenner.

Mr. TAVENNER. Where do you now reside, Mr. Randolph?

Mr. RANDOLPH. Mr. Tavenner, according to my counsel, the courts——

Chairman WALTER. You answer the questions.

Mr. RANDOLPH. I have to give you the opinion of my counsel.

Chairman WALTER. I don't care about your attorney's opinion.

Mr. TAVENNER. Where do you now reside, Mr. Randolph?

Mr. RANDOLPH. 561 West 163d Street.

Mr. TAVENNER. New York City?

Mr. RANDOLPH. Yes, sir.

Mr. TAVENNER. How long have you lived in New York City?

Mr. RANDOLPH. That is giving my age away, but that——

Mr. TAVENNER. You have already done that.

Mr. RANDOLPH. Forty years, sir.

Mr. TAVENNER. What is your occupation?

Mr. RANDOLPH. I am an actor, sir.

Mr. TAVENNER. How long have you been engaged in the field of acting professionally?

Mr. RANDOLPH. I am glad you put in that word "professionally," because there was about 7 years that I didn't make a cent at the thing. I think professionally since 1940.

Mr. TAVENNER. Will you tell the committee please what your formal educational training has been?

Mr. RANDOLPH. Yes. Do you want me to go right through public school and high school and all of that stuff?

Mr. TAVENNER. Just tell us briefly what it was.

Mr. RANDOLPH. Well, I went to DeWitt Clinton High School, and then I spent 2½ years at CCNY, and a summer session at Columbia University.

Mr. TAVENNER. When did you take your summer session work at Columbia University?

Mr. RANDOLPH. I can't even remember that. It was somewhere in between that time, when I got a curiosity about philosophy.

Mr. TAVENNER. Have you, as many other actors have, adopted a professional name as distinguished from your real one?

Mr. RANDOLPH. Yes, sir, Mr. Tavenner.

Mr. TAVENNER. Is John Randolph your professional name?

Mr. RANDOLPH. Yes, sir, it is.

Mr. TAVENNER. What is your real name?

Mr. RANDOLPH. All right. The real name—and don't laugh at this—is Mortimer Lipman. My mother changed that name from "Manny" to "Mortimer" because she thought I would go higher in the world.

Mr. TAVENNER. Have you used the name "Mortimer Lipman" professionally?

Mr. RANDOLPH. Yes, sir. You see, I had better ask you a question, and this won't, I am sure, infringe on the jurisdiction of this committee.

Mr. TAVENNER. I think that you could answer the question. It is a very simple one.

Mr. RANDOLPH. I had better ask you another question.

When you said "professionally," did you mean for example, like the Federal Theater?

Mr. TAVENNER. Yes.

Mr. RANDOLPH. All right, then let us switch that answer back then to 1938, I think. It was 1937 or 1938 when I got in the Federal Theater and my family was on home relief, and I had been acting in some small theater groups, and I got on the Federal Theater project as an actor. So that now, let us go back to that other question.

Mr. TAVENNER. Suppose you just let me ask the questions.

Mr. RANDOLPH. O. K.

Mr. TAVENNER. What small group were you referring to a moment ago, when you said that you went from a small group to the Federal Theater project?

Mr. RANDOLPH. I don't think that I am going to identify any questions regarding any group that may in some way, through the wording of the committee, or the committee's inference, lead into a violation of my constitutional rights. So I would therefore invoke my privilege under the fifth amendment.

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer the question because obviously he has waived his right to plead the fifth amendment when he testified voluntarily that he went from a small group to this other organization.

Chairman WALTER. Yes, I direct you to answer the question.

(The witness consulted with counsel.)

Mr. SCHERER. The witness mentioned the words "small group," on the record, and all we want to know is to what small group he is referring?

(The witness consulted with counsel.)

Mr. RANDOLPH. O. K. I am going to refuse to answer that question on the grounds that I can test the jurisdiction of this committee, and that the committee is not engaged in an inquiry for a valid legislative purpose, namely to recommend legislation, but in a nonlegislative purpose, specifically, to create an atmosphere, conformity and blacklist in theater, and I believe therefore the investigation is in violation of the first amendment of the Constitution. I don't think any law can be passed against the theater, and I also refuse to answer that question by invoking my privilege under the fifth amendment.

Chairman WALTER. We haven't any idea of enacting any law against the theater.

Mr. SCHERER. I think the record should indicate that the witness read his last answer.

Mr. RANDOLPH. There is something wrong with that, Mr. Scherer?

Mr. SCHERER. There is not a thing wrong with it.

Mr. RANDOLPH. Because I can take these notes and throw them away, but I would like to know. I would like to explain something, and I have been out playing summer stock, and I haven't had a chance to talk to a lawyer.

Mr. TAVENNER. How long were you employed in the Federal Theater?

Mr. SCHERER. Let us get the record straight. He invoked the fifth amendment the first time Mr. Tavenner asked the question, and the second time he did not invoke it.

Chairman WALTER. Yes, he did.

Mr. SCHERER. The fifth amendment? I am sorry. I thought he had not.

Mr. TAVENNER. How long were you employed in the Federal Theater project?

Mr. RANDOLPH. About 2 years.

Mr. TAVENNER. What unit or group of the Federal Theater project were you in?

Mr. RANDOLPH. The Children's Theater, Mr. Tavenner, in the beginning. Then after that I got a little restless and I asked to be transferred, and they sent me up to Portland, Maine, to be in a play

called Sure Fire, where we played all of the small towns and in Portland, and somewhere in there I also went to Salem, Mass., where I made the lead in the show called, strangely enough, Created Equal.

Mr. TAVENNER. Did you participate in any way in the play, Sing For Your Supper?

Mr. RANDOLPH. No, sir.

(The witness consulted with counsel.)

Mr. RANDOLPH. Just a moment. Can you take this answer off until I speak to my lawyer?

(The witness consulted with counsel.)

Mr. RANDOLPH. I would answer all of these questions, and I don't understand why, or what bearing this has on what this committee is going to do, and it sounds a little bit like——

Chairman WALTER. This is just a little preliminary question and if you will answer the question we will have no difficulty at all.

Mr. RANDOLPH. It makes me a little nervous.

Mr. TAVENNER. What is your answer?

Mr. RANDOLPH. You know, I forget what I am talking about. What was that question?

Mr. TAVENNER. My question was whether you took part in any way in a play entitled "Sing For Your Supper," put on by the Federal Theater project?

Mr. RANDOLPH. No, sir.

Mr. TAVENNER. During the 2-year period in which you were a part of the Federal Theater project did you hold any position of any kind?

Mr. RANDOLPH. I was just an actor.

Mr. TAVENNER. Were you aware of the organization of a group of Communist Party members within the Federal project at any time during the period that you were employed by that project?

Mr. RANDOLPH. Well now, you are asking questions of a political nature, and whenever we get on this field I must feel impelled, therefore, to then contest or refuse to answer any questions of that kind under my rights under the first amendment and my constitutional privilege under the fifth amendment.

Chairman WALTER. I direct you to answer the question.

(The witness consulted with counsel.)

Mr. RANDOLPH. I must say that I am declining to answer this based on all of the other reasons I gave you before in my very first response, because the chairman hasn't told me the purpose of the investigation.

Chairman WALTER. If you had been here at the outset, when you were supposed to have been, you would have heard me read a statement of the purpose of these hearings.

Mr. RANDOLPH. I am sorry, sir, I only had 1 hour's sleep.

Chairman WALTER. That is too bad, but I did read a statement as to the purpose of these hearings. They are entirely within the purview of the law.

Mr. RANDOLPH. Mr. Walter, can I see a copy of that statement?

Chairman WALTER. After a while, I will try to find one for you.

Mr. TAVENNER. Mr. Randolph, will you give the committee a general description of your employment after you left the Federal Theater project?

Mr. RANDOLPH. All right, I will make it fast, and go right down the line.

Mr. TAVENNER. Give the dates, as well as you can.

Mr. RANDOLPH. In 1940 I appeared in my very first Broadway show, called Medicine Show. Do you want anything about the parts I played?

Chairman WALTER. No.

Mr. TAVENNER. That is enough.

Mr. RANDOLPH. I don't know if anybody ever saw the show.

In 1941, Hold On To Your Hats. In 1942 Native Son, on the road.

Then that was interrupted by the United States Army Air Force.

Mr. TAVENNER. How long were you in the armed services?

Mr. RANDOLPH. Four years, sir, and I actually tried to volunteer the day of Pearl Harbor, but they rejected me and told me to go back to New York where I came from. Then I tried to volunteer in Pittsburgh, and I tried to volunteer in Philadelphia, and they always said to me, "Just go back, and wait until you get to New York." So I did, and I was rejected for medical reasons which I would rather not go into details about, and that was taken care of, and I entered the Army in April of 1942 and I was put in the Air Force. Do you want to know anything more about it?

Chairman WALTER. No.

Mr. TAVENNER. That accounts for 4 years. What was your employment after 1946?

Mr. RANDOLPH. Then in 1947, I was in the Chicago company of Front Page, which was a pretty bad flop. In 1947 after that, I joined, or went into Command Decision, a Broadway company, and that lasted a year, and I went on the road with that.

Then in 1948 I appeared in the Chicago company of The Respectful Prostitute, and that also flopped.

In 1949, I went into Peer Gynt, and that lasted 2 weeks.

In 1950 I went in Come Back Little Sheba, the Broadway company, and in 1950, after Sheba closed, I got a job in Golden State, which was a flop.

Then in 1951, I auditioned in Paint Your Wagon, and I got into Paint Your Wagon and that lasted 9 months.

Then I had a rather bad season and I went into Sea Gulls Over Sorrento, an English hit that lasted only 2 weeks in New York.

In 1952 I was in Gray Eyed People, which lasted 5 days.

In 1953 Room Service, a revival of Room Service, which also only lasted 2 weeks.

I am leaving out summer stock, and just giving you the main shows in New York.

Madam, Will You Walk, down at the Phoenix Theater, 6 weeks.

All Summer Long—wait a minute.

After Madam Will You Walk, put down Coriolanus.

Chairman WALTER. How many weeks?

Mr. RANDOLPH. That lasted 6 weeks.

Then I went into All Summer Long. We are right up to 1955 now. All Summer Long, 8 weeks. Glad Tidings in Washington, 2 weeks. Time Of Your Life, revival, 2 weeks at 85 bucks a week.

Chairman WALTER. It kept you busy flitting around, did it not?

Mr. RANDOLPH. I was busy. I was playing different characters and I didn't know whether I was coming or going.

Then I replaced an actor in House of Flowers, the musical, and when that folded, I auditioned for Guys and Dolls, New York City Center, in the part of Nathan Detroit.

And now, and I mean nothing personal about this, I am playing at the Brattle Theater in Cambridge, in Much Ado About Nothing. That will explain these sideburns.

Mr. TAVENNER. During the summer periods, did you also engage in stock shows?

Mr. RANDOLPH. Yes, sir, and I can name a few of them, and my lawyer is telling me—all right. I was in a show by George Bernard Shaw. As a matter of fact, just before this I was in Born Yesterday, and I played a drunken Washington lawyer, who used to have a social conscience, and Deveree is the character's name. That was, Born Yesterday at the Philadelphia Playhouse in the Park.

The year before that, in summertime, I was in, Too True To Be Good, by George Bernard Shaw, and generally in between that I used to spend a couple of weeks at Fishkill, N. Y., at the Cecil Wood Theater.

I had one pretty rugged summer when I came out of the Army. I was trying to rehabilitate myself, and I went into Savel Playhouse Stock Co., and by the time I find I really needed to be rehabilitated and I had 10 weeks of hard work there.

Mr. TAVENNER. Will you tell the committee whether you are at the present time a member of the American Federation of Television and Radio Artists?

(Witness consulted with counsel.)

Mr. RANDOLPH. Mr. Tavenner, I am going to answer that question, and I just want to tell you that I kind of object to your asking me about what unions I belong to because I think that you inject the name of the union into the hearing and it bothers me, because it seems to me that that is something that I have a right——

Mr. TAVENNER. It shouldn't bother you at all. If you will be frank and explain all of the questions, it shouldn't bother you or your union at all.

Mr. RANDOLPH. I don't like the idea of bringing unions up, and that is my right as an American to belong to a union.

Chairman WALTER. It is your right, and we have been doing everything we can to strengthen the hands of the unions in America, and not the other kind of operations which masquerade as unions.

Mr. RANDOLPH. I don't quite understand what you mean by that, Mr. Walter, but you have a right to your opinion, and I know you mean something by it but I don't understand.

Mr. TAVENNER. Will you answer the question, please?

Mr. RANDOLPH. The American Federation of Radio and Television Artists, a charter member.

Mr. TAVENNER. When was the organization formed?

Mr. RANDOLPH. Gee, I don't remember the exact date.

Mr. TAVENNER. Approximately how long have you been a member?

Mr. RANDOLPH. When did I do the first radio show? It was somewhere around when it was formed. There was a television union and it was first a radio union, and I was a charter member of the radio union.

Mr. TAVENNER. You were in the radio union?

Mr. RANDOLPH. American Federation of Radio Artists, from about 1940 or something, or so, sir. Then when the amalgamation between AFRA and the television field took place and became AFTRA, I am

sure you have those dates better than I have, and I can't remember offhand, but it was 3 years ago, or somewhere around that time, and we automatically became members.

Mr. TAVENNER. And you have been a member continuously since that time?

Mr. RANDOLPH. Yes, sir.

Mr. TAVENNER. Will you tell the committee whether or not you are aware of the existence within that union of any organized group of the Communist Party which meets as a caucus?

Mr. RANDOLPH. Well, here we go. I think that that question again really invades my rights under the first amendment of association. Although I don't want to give any credit to the question, I feel that I will then have to refuse to answer that question because of my rights under the first amendment and my constitutional privileges under the fifth amendment.

Mr. TAVENNER. Were you a member of the Communist Party during any period of time that you were a member of the American Federation of Television and Radio Artists?

Mr. RANDOLPH. I am afraid, sir, I will have to answer that question again with the same answer that I refuse to answer that question because of my rights under the first amendment, the rights of association, and all of the rest of it, and my constitutional privilege under the fifth amendment.

Mr. TAVENNER. Are you a member of the Communist Party now?

Mr. RANDOLPH. I am not getting facetious, but there is a story by Henry Steel Comet——

Chairman WALTER. Answer the question; we don't care about your stories.

Mr. RANDOLPH. I don't want to bore you men.

Chairman WALTER. I am afraid that you are going to, so just answer this question, and then we will eliminate that.

Mr. RANDOLPH. If you were to ask me a question if I am a member of the Republican or Democratic Parties, I would be bound to answer that I have to under my constitutional privileges, under the fifth amendment, answer that by invoking that right.

Chairman WALTER. You say that you would answer if I asked you whether you were a Democrat or Republican?

Mr. RANDOLPH. I would not answer any question of a political nature if you asked me whether I was a Democrat, Republican, Communist, or Socialist, although you might be pretty well surprised at my answer, if I wanted to answer it. But I don't believe it is your right as a committee to ask me that, and I have to invoke my constitutional privilege.

Chairman WALTER. You don't have to at all, and you are not under any compulsion.

Mr. RANDOLPH. I desire to do so.

Chairman WALTER. Well, that is different.

Mr. TAVENNER. Mr. Randolph, I did not ask you a question as to what your political belief was, or whether you were a member of a political party.

Mr. RANDOLPH. I understand, sir.

Mr. TAVENNER. I was asking you about Communist activities and your membership, alleged membership, in the Communist Party.

Mr. RANDOLPH. I know.

Mr. TAVENNER. That is an entirely different thing from a political party.

Mr. RANDOLPH. That is a point of view, you see.

Mr. TAVENNER. You don't think so?

Mr. RANDOLPH. Well, I am not going to, as I said, indulge in political opinions with the committee, because I did research like you do for an acting role, and I did research, and found out that the committee has certain political opinions, and anybody who opposes the committee somehow falls into disrepute. So rather than get involved in any kind of political discussion, which I don't mind doing backstage or any place else, I have a feeling, I just don't feel that the questions of political associations of any kind are the province of this particular committee.

Chairman WALTER. Just a minute. I want to get you straightened out on that. You say "the province of the committee." Actually we are an arm of the Congress of the United States.

Mr. RANDOLPH. I understand.

Chairman WALTER. This committee has no desire to do this work, and this work has been wished on us.

Mr. RANDOLPH. I have no desire to be here.

Chairman WALTER. There you are, we are both doing something unpleasant.

Mr. RANDOLPH. Then let us leave.

Chairman WALTER. In order to make it more pleasant, why don't you help us?

Mr. RANDOLPH. I am really honestly trying to help. Wherever I feel deeply about something, Mr. Walter, I must tell you in all honesty that I have strong feelings about what is going on today.

Chairman WALTER. We both have strong feelings.

Mr. RANDOLPH. I know you do, and——

Chairman WALTER. Tell me this in order to develop that particular question, have you ever been a member of the Communist Party?

Mr. RANDOLPH. Well, you know I am going to have to give you the same answer?

Chairman WALTER. You don't have to.

Mr. RANDOLPH. Well, I would love to give you, and I want to give you, that answer.

Chairman WALTER. Why don't you then?

Mr. RANDOLPH. But I don't think you should really ask me any questions or any citizen of the United States, that kind of a question. I think that is the thing, that is the way I was brought up, and that is the way I believe. I think every person in this room, including you, basically, really were taught that you have a right in this country to believe anything you want and any political party and any idea or association.

Chairman WALTER. No, I haven't. Is there anything further?

Mr. TAVENNER. You said that you had done research work in preparation for your testimony here. Have you done any research work regarding the Communist Party?

Mr. RANDOLPH. You see, you are asking a political question again. I am not a belligerent person, and if I sound a little loud, in my family we used to argue a lot all of the time.

Chairman WALTER. We are not concerned about that, we are concerned about your arguments in this Communist cell of which we think you were a member. We are more interested in that.

Mr. RANDOLPH. Now, Mr. Walter, just a minute——

Chairman WALTER. Will you answer the question?

Mr. RANDOLPH. I am kept from being personal. Don't make inferences.

Chairman WALTER. I am not making any inferences.

Mr. SCHERER. Was his inference wrong that you were a member of the Communist Party?

Mr. RANDOLPH. No——

Mr. SCHERER. You said "Don't make inferences," and I want to know whether his inference that you were a member of the Communist cell was wrong.

(Witness consulted with counsel.)

Mr. SCHERER. You have an opportunity to answer right now whether a member of this committee had a wrong inference.

Mr. RANDOLPH. Mr. Scherer, I feel all of these questions are the same question, and so in any event, when we get in this field, I would like to invoke my constitutional privilege under the fifth amendment, sir.

Chairman WALTER. All right, proceed, Mr. Tavenner.

Mr. TAVENNER. Have you been active in the work of the Committee for the Negro in the Arts, an organization established some years ago?

Mr. RANDOLPH. Mr. Tavenner, again what I feel is happening here is that this committee by bringing up names of organizations, and everything else like that, serves a purpose of censoring or frightening people regarding organizations.

Mr. TAVENNER. That organization has been cited by the Attorney General of the United States, and I don't want to mislead you on it, but I want to know if you served as a member of a committee of that organization? If so, I want to ask other questions relating to it.

Mr. SCHERER. You didn't finish your statement, that organization has been cited by the Attorney General as what?

Mr. TAVENNER. As a Communist subversive organization.

Mr. RANDOLPH. You are asking again a political question, of a kind that I just——

Chairman WALTER. He is not asking you about your beliefs at all. He is merely asking you whether or not you did work for this organization.

Mr. RANDOLPH. Representative Walter, he is asking a question of association, which certainly comes under the first amendment of the Constitution. I will therefore refuse to answer that question because of my rights under the first and my constitutional privileges under the fifth amendment. I told you we would get boring after awhile.

Chairman WALTER. I know what you are going to say.

Mr. RANDOLPH. You didn't know everything.

Mr. TAVENNER. To what extent has your acting been on television?

Mr. RANDOLPH. It was quite good, and I did a lot of television work up until 1952 when I was blacklisted by Mr. Johnson of Syracuse, as I understand, then later by Counter-Attack, and then later by Aware, Incorporated, and I never knew what the accusations were, or what reasons, but they were anonymous phone calls, and you know the kind

of stuff. There were little hate letters and so on and so forth, and not many, but enough to make me quite disturbed about it, and find out that I was being blacklisted on television and I never could find out who did the accusations or any of that sort, and I never had a chance to answer any of that. That happened about 1952.

Ever since that time I have devoted my entire time to fight blacklisting, and Aware, Inc., and all of those little outfits that unfortunately bring so much fear and terror into our industry. Am I speaking too loud?

Mr. TAVENNER. Oh, no, not at all. I am accustomed to all types of speaking.

Mr. RANDOLPH. I never get personal, and I really never do. So if it sounds at any moment that I am getting belligerent or something like that, you tell me, and I have respect for you as a congressional committee. I have got certain positive ideas, unfortunately.

Mr. TAVENNER. Have you taken part in any caucus of the Communist Party within the organization of the American Federation of Television and Radio Artists?

(Witness consulted with counsel.)

Mr. RANDOLPH. You know, you see, I don't quite understand, I have to answer the same question.

Mr. TAVENNER. I am going to ask specific questions and you will have to answer them specifically.

Mr. RANDOLPH. All right.

Mr. TAVENNER. I want to know definitely whether you were a member at any time of a Communist Party caucus within that organization.

(Witness consulted with counsel.)

Mr. RANDOLPH. Well, I am going to give you exactly the way I feel about it. I am going to contest again the jurisdiction——

Mr. TAVENNER. You mean you refuse to answer?

Mr. RANDOLPH. On the grounds that this committee is not involved in a legislative purpose, and that it is seeking to create an atmosphere of fear and conformity and blacklist in the theater, and that this investigation is a violation of my rights under the first amendment, and I will invoke my constitutional rights under the fifth amendment.

Mr. SCHERER. Do you deny that there was such a caucus within the union?

Mr. RANDOLPH. The same answer, Representative Scherer.

Mr. TAVENNER. I have no further questions.

Chairman WALTER. Are there any questions?

Mr. SCHERER. Were you a member of the Communist Party during the time that you served in the United States Air Force?

Mr. RANDOLPH. I decline to answer that on the same reasons, Representative Scherer. Do I have to repeat them?

Mr. SCHERER. No. When did you first seek to volunteer?

Mr. RANDOLPH. December 7, 1941.

Mr. SCHERER. We were a cobelligerent with Russia at that time, were we not?

Mr. RANDOLPH. I don't answer any questions of a political nature, as I told you before, and I don't want to get involved in any political controversy with the committee, and I would make my feelings known later on.

Can I read a statement? May I read the statement that I prepared?

Chairman WALTER. You may leave the statement with us, and if we decide it is material, it will be made a part of the record.

Is there anything further?

Mr. TAVENNER. No, sir.

Chairman WALTER. The witness is excused, and call the next witness.

Mr. TAVENNER. Mr. Stanley Prager.

Chairman WALTER. Will you raise your right hand, please?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PRAGER. I do.

TESTIMONY OF STANLEY PRAGER, ACCOMPANIED BY HIS COUNSEL, MARTIN POPPER

Mr. TAVENNER. Will you state your name?

Mr. PRAGER. Stanley Prager.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record?

Mr. POPPER. Martin Popper.

Mr. TAVENNER. When and where were you born, Mr. Prager?

Mr. PRAGER. New York City, and Mr. Congressman, I have a very short statement.

Chairman WALTER. Just leave it with us, and I will be very happy to examine it, and if it is relevant, we will make it a part of the record.

Mr. PRAGER. If you could read it, it would facilitate the whole thing.

Chairman WALTER. I know all about that. We have our own procedures. Go ahead, Mr. Tavenner.

Mr. PRAGER. May I leave it with you now, and may I ask it be put in the record?

Chairman WALTER. Yes.

Mr. TAVENNER. What is the date of your birth, please, sir?

Mr. PRAGER. January 8, 1917.

Mr. TAVENNER. Where do you now reside?

Mr. PRAGER. New York City.

Mr. TAVENNER. How long have you been a resident of New York City?

Mr. PRAGER. On and off, all of my life.

Mr. TAVENNER. What is your profession?

Mr. PRAGER. I am an actor.

Mr. TAVENNER. How long have you been engaged professionally as an actor?

Mr. PRAGER. I would say since about 1942, or 1943, somewhere around in there.

Mr. TAVENNER. Will you tell the committee please, what your formal educational training has been?

Mr. PRAGER. I was educated in the public school system in New York City and I went to John Hopkins University, in Baltimore, Md., for 3 years.

Mr. TAVENNER. What was the date of the completion of your studies in Baltimore?

Mr. PRAGER. I believe it was 1937.

Mr. TAVENNER. I believe you stated that you began your acting career in 1942.

Mr. PRAGER. Around in there; yes, sir.

Mr. TAVENNER. What was your employment prior to that time?

Mr. PRAGER. I was a college student.

Mr. TAVENNER. I understood you to say that you finished your studies in Baltimore in 1937.

Mr. PRAGER. Yes, sir.

Mr. TAVENNER. What schools did you attend after that?

Mr. PRAGER. What schools?

Mr. TAVENNER. Yes. You said you were a student in 1940, when I understood you had completed your work at Hopkins in 1937.

Mr. PRAGER. I beg your pardon. I don't think I said I was a student in 1940.

Mr. TAVENNER. I so understood you.

Mr. PRAGER. Well, sir, it is not so. I left Johns Hopkins University in 1937.

Mr. TAVENNER. Then how were you employed in 1940?; that was my question.

Mr. PRAGER. In 1940, now I am not exactly sure about this date but my first job in the theater was in a play called, The Skin of Our Teeth.

Mr. TAVENNER. But you said you began acting in 1942. How were you employed prior to 1942?

Mr. PRAGER. May I consult with my attorney for a moment?

(Witness consulted with counsel.)

Mr. PRAGER. I actually can't really remember how I was employed. Now I do remember, I had odd jobs like I was a counselor, a dramatic counselor at a camp for children, called Camp Graylock, near Pittsfield, Mass.

Mr. TAVENNER. What is the name again?

Mr. PRAGER. Camp Graylock, located near Pittsfield, Mass. I was also dramatic counselor in the summertime, at a camp called Camp Potomac, which is also near Pittsfield, Mass., and I got odd jobs——

Mr. WILLIS. Will you develop, Mr. Counsel, the period of his association with those two children's camps?

Mr. TAVENNER. Will you give us the dates of your employment at those summer camps?

Mr. PRAGER. I will give them to you to the best of my recollection. I believe that they were right towards the end of my college career, and perhaps the summer following.

Mr. TAVENNER. That would make it in 1937, and 1938.

Mr. PRAGER. Yes, sir.

Mr. TAVENNER. Which camp did you work at in 1937, and which one in 1938?

Mr. PRAGER. I believe the last one I worked at was Camp Potomac, which would be in Pittsfield, Mass. May I make a correction? It now occurs to me that I was a camper at Camp Graylock, and a dramatic counselor at Camp Potomac. There is a difference. At one you pay, and the other you get paid.

Mr. TAVENNER. So it was the camp you attended in 1938 where you were paid?

Mr. PRAGER. Yes; I believe in 1938. To the best of my recollection that is an accurate date. I also believe I did that for two summers at Camp Potomac.

Mr. TAVENNER. Those were two summers; 1937 and 1938, or 1938 and 1939?

Mr. PRAGER. I don't know exactly. You see, since I was not working on Broadway at that time, I would pick up odd jobs like being a dramatic counselor, or—may I consult with my attorney for a moment?

(Witness consulted with counsel.)

Mr. PRAGER. Well, that is about the extent of it, Mr. Tavenner. I had all of these odd jobs.

Mr. TAVENNER. Will you come back please and answer the question that I originally asked you, as to what your employment was prior to 1942, when you entered into the theater as an actor?

Mr. PRAGER. I believe I have just answered it.

Mr. TAVENNER. You have answered it as to 1938 and 1937; that is a long way prior to 1942.

Mr. PRAGER. Let me explain myself to you. I had many odd jobs, as you see, and I cannot be held responsible for every particular job that I had. Now, if you have some information about a job that I had, maybe I could refresh my memory with you.

Mr. TAVENNER. You have told us what your employment was in 1942, and what it was in 1937. What was it between those two periods?

Mr. PRAGER. I really can't recollect to the best of my recollection.

Mr. TAVENNER. Where were you living?

Mr. PRAGER. I was living in New York City.

Mr. TAVENNER. For a period of 4 years, you are unable to tell us what you were doing, and how you were employed?

Mr. PRAGER. No, I have told you that I have had odd jobs, and I worked here and there. I am not trying to be evasive, you understand.

Mr. TAVENNER. I am trying to help you remember. Can't you recall how you were employed at any time?

Mr. PRAGER. I was living at home, and I was fortunate enough at that time to be supported by my family, and so I would work in the summertime, as I described to you; and in the wintertime, because I wanted to be an actor, I would look for a job in the theater, and that can sometimes turn into a full winter's work.

Mr. TAVENNER. Very well, did you engage in any theatrical work prior to 1942 that you can recall—during that 4-year period when you are unable to recall how you were employed?

(Witness consulted with counsel.)

Mr. PRAGER. No, not in a theater, no.

Mr. TAVENNER. Well, how were you employed? Was it radio?

Mr. PRAGER. Mr. Tavenner, I have told you I had all of these odd jobs, and I can't recollect specifically what they were, and I might have had a radio job.

Mr. TAVENNER. I hand you a photostatic copy of the Daily Worker of April 25, 1940, and I call your attention to an article appearing there under the heading, "New Theater Players to Tour 20 Cities; IWO Lodges Will Sponsor Awake and Swing." After examining that article state whether or not it refreshes your recollection as to your employment at that time by this show sponsored by the IWO.

(A document was handed to the witness.)

(The witness consulted with counsel.)

Mr. PRAGER. Mr. Tavenner, I am going to answer this question in this way: I believe that what I think and say, and with whom I associate, is not this particular or any particular congressional committee's

concern. Consequently, I am not going to answer that question, because of my constitutional rights guaranteed to me by the first amendment.

Now, I would like to enlarge upon that a little bit. You see, I have another position about why I am here. I have been very vocal against the blacklist in my union, and I ran——

Mr. TAVENNER. That is not responsive to the question, Mr. Chairman.

Mr. PRAGER. I believe it is.

Mr. SCHERER. I ask you to direct the witness to answer the question.

Chairman WALTER. I direct you to answer the question.

Mr. PRAGER. May I explain a bit more?

Chairman WALTER. Will you answer the question?

Mr. PRAGER. I cannot answer the question because I believe that you are prying into my right of association by this question, and I will not sit here and attack the Constitution of the United States. Consequently, I am not going to answer the question because you are violating my freedom of association, and you are prying into certain affairs of mine which you have no right to pry into. I refuse to answer the question on that basis and on another basis, which I would like to talk about for a moment.

Chairman WALTER. Is that the fifth amendment?

Mr. PRAGER. Let me explain it to you this way——

Chairman WALTER. We don't want any explanation, just say why you are not answering.

Mr. PRAGER. I think it is terribly important to me to explain it in my own way. That is that I am going to invoke my privilege under the fifth amendment, and I would like to point out that in invoking my privilege, this has absolutely, or there is no inference of guilt connected with this on any level.

Chairman WALTER. I am entitled, or we are all entitled, to draw whatever inference we may from the fact that you invoke the fifth amendment.

Mr. PRAGER. I think that you are, and I think that I am entitled to point out what my inference is.

Chairman WALTER. You have invoked your privilege under the fifth amendment.

Proceed, Mr. Tavenner.

Mr. PRAGER. Also, I would like to say that I cannot see any legislative purpose that could possibly be in anybody's mind on holding this kind of a hearing. Also I would like to point out, since it is no secret that I am working in the theater, that I consider this particular congressional hearing an attack on the theater.

Chairman WALTER. I am sure that most of the good actors in the United States, and actresses, resent the fact that you presume to speak for all of them.

Mr. PRAGER. I would not like to discuss my talent with you, or anybody else's talent.

Mr. TAVENNER. Then as a matter of fact, your reluctance or failure to state what your employment was between 1938 and 1942, wasn't because you didn't remember, but it was because you didn't want to answer?

Mr. PRAGER. That isn't so, that is not so.

Mr. TAVENNER. I desire to offer the photostatic copy of the document in evidence and ask that it be marked "Prager Exhibit No. 1," for identification only.

Chairman WALTER. Mark it and let it be received.

Mr. PRAGER. May I say something?

Chairman WALTER. There is no question, is there, Mr. Tavenner?

Mr. PRAGER. I thought that perhaps I could use the time.

May I speak to my attorney please, before you ask the next question?

Mr. TAVENNER. Yes.

(Witness consulted counsel.)

Mr. TAVENNER. It is noted from the account of this play, which toured 20 cities, where IWO lodges would act as sponsors, that the pamphlet, The Yanks Are Not Coming, was to be dramatized.

Will you tell the committee what was the purpose of the dramatization at that particular time, April 25, 1940, of the pamphlet entitled "The Yanks Are Not Coming"?

Mr. PRAGER. Mr. Tavenner, you are asking me now to discuss the content of theatrical material, and I think it is quite significant that you are asking me this. And I am not going to discuss the content of theatrical material with you in this particular room, in this particular session, and I think that it is quite pertinent that you ask me a question like that. Because if I involve myself with you on a discussion of this level, it is conceivable to me that you will ask me about the content of all theatrical material, and I say to you——

Chairman WALTER. Let us wait until that occurs. He is asking you about something specific at this moment.

Mr. PRAGER. He asked me a question, and I am trying to answer it.

Mr. TAVENNER. The dramatization of The Yanks Are Not Coming took place during the period of the Hitler-Stalin pact, did it not?

Mr. PRAGER. We are discussing the same thing.

Mr. TAVENNER. And it represented at that time the line of the Communist Party, the party line through this country?

Mr. PRAGER. What is your question?

Mr. TAVENNER. Is that right?

Mr. SCHERER. That is the reason I asked the preceding witness whether or not he volunteered for the Army at a time we were cobelligerents with Russia, and after the Stalin-Hitler pact.

Mr. PRAGER. How many questions are there now?

Mr. SCHERER. That was an observation.

(Whereupon the reporter read the pending question as above recorded.)

Mr. PRAGER. Now you are asking me a question——

Mr. TAVENNER. It is the same question.

Mr. PRAGER. Which involves content, and since the theater involves content, and since the hub of all theater is content, and you are tieing up this question with a question of a political line, I cannot involve myself.

Mr. SCHERER. Of a conspiracy line and not a political line.

Mr. PRAGER. I cannot involve myself with you in a discussion about the theater or about the theater's ideas, because this is an attack on the theater and something I won't be a party to.

Chairman WALTER. Go ahead and ask your next question.

Mr. SCHERER. He hasn't answered the question.

Chairman WALTER. I direct you to answer the question.

Mr. PRAGER. I cannot answer it because in answering it, I would be doing the Constitution a disservice, and I think that the question is designed to entrap me, and consequently I will invoke my constitutional privilege of the fifth amendment.

Mr. TAVENNER. It was a line of the Communist Party which was in opposition to the foreign policy of this country at that time, was it not?

Mr. PRAGER. We are going through the same thing again, and so in the interest of time, I would like to once more make this quite clear.

Chairman WALTER. Don't bother about the time, we have plenty of time.

Mr. SCHERER. He hasn't answered the question.

Mr. PRAGER. What is the question?

Mr. TAVENNER. Read him the question.

(Whereupon the reporter read the pending question as above recorded.)

Mr. PRAGER. Well, I am going to give you the same answer, because it is actually the same question. I am not going to answer it because I am going to stand on my privilege guaranteed me under the fifth amendment, and also I am going to object to you asking it of me because of my position on the first amendment.

Mr. TAVENNER. Were you a member of the Communist Party in April of 1940, at the time this show was advertised as going on the road to tour 20 cities, where IWO lodges would be the sponsors?

Mr. PRAGER. You are asking me a very fundamental question, and in my position, I repeat, is a very simple one. I do not believe that what I think and say and what I read and with whom I associated and where I worship is a legitimate concern——

Mr. SCHERER. Nobody asked you where you worshiped.

Mr. PRAGER (continuing). Of this or any other congressional committee. I know I am a good American, and I have never done anything I am ashamed of, and I have never been a member of any organization I believe to be a threat or advocated the overthrow of this Government by force and violence.

Chairman WALTER. Have you ever been a member of the Communist Party?

Mr. PRAGER. I am answering this gentleman.

Chairman WALTER. You have just answered that you have never been a member of any organization——

Mr. PRAGER. I am not going to answer that question because you are invading my right of association, and you are trying to entrap me.

Chairman WALTER. I am not trying to entrap you at all.

Mr. PRAGER. I am going to invoke my constitutional privilege, which is by the way, an issue of law.

Chairman WALTER. I direct you to answer.

Mr. SCHERER. In view of his statement it is my opinion that he has waived the right to invoke the fifth amendment, and I ask you to direct the witness to answer the question, whether he is a member of the Communist Party or not.

Mr. PRAGER. In your opinion I may have——

Mr. SCHERER. Are you a member of the Communist Party?

Mr. PRAGER. I just answered this gentleman and now I will answer you, that I will not involve myself in it because I believe it is an in-

vasion of my privacy and my association, and I also am invoking my privilege guaranteed me under the fifth amendment.

Mr. TAVENNER. How long did you remain an actor in New York City after you began in 1942?

Mr. PRAGER. I appeared in 2 plays, and then I was assigned to do a motion picture made of the last play I was in. It was The Eve of St. Mark, by Maxwell Anderson, a play about the war.

Mr. TAVENNER. Is that the one that you were assigned to do a motion picture of?

Mr. PRAGER. Yes.

Mr. TAVENNER. Where did you do that motion picture work?

Mr. PRAGER. Hollywood.

Mr. TAVENNER. When did you go to Hollywood?

Mr. PRAGER. I believe that would be about 1943.

Mr. TAVENNER. How long did you remain in Hollywood?

Mr. PRAGER. I remained in Hollywood on and off for approximately 6 or 7 years.

Mr. TAVENNER. Where did you reside in Hollywood?

Mr. PRAGER. I lived at a number of places, and I believe that when I first went out there I lived in Beverly Hills, and I had an apartment on a street called Orchard Drive, and I lived——

Mr. TAVENNER. What was the number of the address on Orchard Drive or Orchard Avenue?

Mr. PRAGER. I really couldn't tell you; I don't remember.

Mr. TAVENNER. Was it 1782?

Mr. PRAGER. It could have possibly been.

Mr. TAVENNER. While living at 1782 Orchard Avenue, in 1944, were you issued Communist Party card No. 46929 for that year?

Mr. PRAGER. Is that a question?

Mr. TAVENNER. Yes.

Mr. PRAGER. I am not going to answer that question, Mr. Chairman, for the same reasons that I said before.

Mr. TAVENNER. Were you acquainted with Sterling Hayden?

(Witness consulted with counsel.)

Mr. PRAGER. I am not going to answer that question, Mr. Chairman, for the same reasons as previously stated.

Mr. TAVENNER. Mr. Sterling Hayden testified before this committee that he was a member of a group of the Communist Party in Hollywood which was interested in a controversy that had arisen between the studios and a union. It was between two unions, I believe. He was assigned by the Communist Party group to work with another group, and he told the committee he was certain that the other persons in that group were members of the Communist Party, the same as he. According to his testimony, among those were Howard DaSilva, Stanley Prager, and George Tyne.

Can you enlighten the committee upon the real purposes of that second group, of which Mr. Hayden said that he himself was a member?

Mr. PRAGER. Well, you see, now you are again dealing in an area which I don't believe, or you are questioning me in an area which I don't believe you have a right to question me in, but I would like to go on a little bit and discuss Sterling Hayden. I would like to discuss him in this way——

Chairman WALTER. We don't care about your viewpoint about Sterling Hayden. You have been asked a question as to certain things that this group is doing, and now will you answer the question or won't you?

(Witness consulted with counsel.)

Mr. PRAGER. Mr. Chairman, I am not going to discuss this on the grounds previously stated.

Mr. TAVENNER. The period about which Mr. Hayden was testifying was 1943.

Are you acquainted with George Tyne?

(Witness consulted with counsel.)

Mr. PRAGER. Yes, I am. He is an actor, and a good actor.

Mr. TAVENNER. Were you ever a member of a Communist Party group with him?

Mr. PRAGER. I am certainly not going to answer that question, Mr. Chairman, and on the grounds previously stated.

Mr. TAVENNER. Are you acquainted with Howard DaSilva?

Mr. PRAGER. Yes, sir, I am. He is another good actor, a blacklisted actor.

Mr. TAVENNER. Were you a member of the Communist Party with Howard DaSilva?

Mr. PRAGER. I will not discuss that with you on the grounds previously stated.

Mr. TAVENNER. Another witness testified before this committee by the name of Mrs. Pauline Swanson Townsend. Were you acquainted with Mrs. Townsend, the wife of Leo Townsend?

Mr. PRAGER. May I consult with my attorney?

(Witness consulted with counsel.)

Mr. PRAGER. What is that name again?

Mr. TAVENNER. The wife of Leo Townsend, Mrs. Pauline Swanson Townsend.

Mr. PRAGER. I am not going to discuss Mrs. Pauline Townsend with you on the grounds previously stated, but I am going to tell you what my opinion is of Mrs. Pauline Townsend.

Chairman WALTER. We are not concerned with your opinion of this lady.

Mr. PRAGER. This kind of informant and stool pigeon——

Chairman WALTER. What do you mean by an informant?

Mr. PRAGER. I saw a movie once called, The Informer, which affected me a great deal, and a wonderful movie, made by John Ford, a Hollywood movie.

Chairman WALTER. By an informer, you are inferring that this lady has told about activities that you and she engaged in; is that what you mean?

Mr. PRAGER. Congressman, I am not inferring anything, and I am stating what I feel here.

Mr. TAVENNER. Mrs. Townsend in her testimony before this committee identified you as a member of the Communist Party, along with a person by the name of Bart Lytton. She was the literature director of the group of the Communist Party, of which she said you and Mr. Lytton were members.

Were you a member of any group of the Communist Party in 1945, of which Bart Lytton was a member?

Mr. PRAGER. The same question in another form, and I refuse to answer it on the same grounds.

Mr. TAVENNER. Were you acquainted with Bart Lytton?

Mr. PRAGER. I am not going to answer that question on the grounds previously stated.

Mr. TAVENNER. Mr. Bart Lytton also testified before this committee, and each of these witnesses who testified, testified as to the circumstances under which he became a member of the Communist Party. They advised the committee of the character of Communist Party activities engaged in by the groups as far as they knew, and they told the committee the circumstances under which they left the Communist Party and the time they left.

Mr. Bart Lytton also identified you as a member of this group of the Communist Party.

So again I want to ask you if he was in error in his identification of you?

Mr. PRAGER. I believe that because I have been vocal against the blacklist of my union, and because I signed a letter against an organization called Aware, Inc.——

Chairman WALTER. I direct you to answer the question that was asked you.

Mr. PRAGER. I will not answer that question, Congressman, on the grounds previously stated.

Mr. TAVENNER. As a matter of fact you were served with a subpena as early as 1953 for your appearance before this committee, were you not?

Mr. PRAGER. Yes, I was.

Mr. TAVENNER. And you were excused at the time?

Mr. PRAGER. Well, I sat here, yes, I was excused.

Mr. TAVENNER. You were excused because that was in May of 1953, when the committee heard numerous witnesses and closed before hearing all of the witnesses.

Mr. PRAGER. I imagine that is correct.

Mr. TAVENNER. So the committee's interest in you isn't any matter of recent date.

Mr. PRAGER. My interest in the committee isn't of recent date.

Mr. TAVENNER. No, it shouldn't be.

Chairman WALTER. And that is understandable, of course.

Mr. PRAGER. I must say since I was served in 1953, and since I have been working in New York, I think this must be a fairly good indication of what kind of threat to the national security I must be.

Mr. TAVENNER. Possibly you could give this committee information about the workings of the Communist Party, and from that information we might be able to determine to what extent your particular information may be of value. Will you give it to us?

Mr. PRAGER. I will not involve myself in what I could possibly give you, because that is a word that has a wide variance, but I only can repeat to you that I feel quite strongly about the fact that I am here, and it is an interruption in my life. All I ask is that I be let alone so that I can pursue my right to work in the theater, and in television, and in radio, and that I will not join with you, Mr. Tavenner, or with anybody, or this committee, or any other congressional committee, and I respectfully submit this to you gentlemen, I will not join with you in an attack on the Constitution.

Mr. TAVENNER. Will you join with the Communist Party?

Mr. PRAGER. You are asking me the same kind of question in a different kind of way, and again I must stand on my constitutional privileges.

Chairman WALTER. You have declined to answer because of your constitutional privilege.

Ask the next question, Mr. Tavenner.

Mr. TAVENNER. You stated you were active in your union, that is the way I understood you to express yourself.

Mr. PRAGER. Yes.

Mr. TAVENNER. What union is that?

Mr. PRAGER. I belong to the American Federation of Radio and Television Artists, and I belong to the Actor's Equity Association.

Mr. TAVENNER. Will you tell the committee please whether there is an organized group of the Communist Party within either of those organizations?

Mr. PRAGER. This is the same question, designed to entrap me, and I will not answer it on the grounds previously stated.

Mr. TAVENNER. Are you aware of the holding of caucus meetings within either of those organizations or both of them——

Mr. PRAGER. This is the same question.

Mr. TAVENNER. Just a moment. For the purpose of propagating Communist Party decisions within those groups?

Mr. PRAGER. This is the same question in a different form, and I refuse to answer on the grounds previously stated, but I would like to explain how I personally was active in my union.

Chairman WALTER. We are not concerned with that.

Mr. PRAGER. I tried to get the basic minimum wage raised.

Chairman WALTER. You were asked a question and you declined to answer it, and that is all.

Mr. PRAGER. These things are very important to me, and the fact that I fought against the blacklist.

Chairman WALTER. Other things are important to us.

Mr. PRAGER. And I fought to get the minimum wage raised, and I think it is quite important to all factors.

Chairman WALTER. The matter of the Communist Party activities are unimportant, is that right?

Mr. PRAGER. This attack against the union is uncalled for.

Chairman WALTER. Nobody is attacking any union. We are just trying to assist the union members in seeing what the true situation is.

Mr. PRAGER. I think that is not a legislative purpose, and I think that the union's business is the union's business.

Chairman WALTER. Proceed, Mr. Tavenner.

Mr. TAVENNER. You say that you returned from California to New York in 1947, is that your testimony?

Mr. PRAGER. I believe so, but again I implore you to understand that I am very bad on the exact dates, but yes, I think that is right.

Mr. TAVENNER. Since your return to New York, in 1947 or 1948, how have you been employed?

Mr. PRAGER. I came back in 1947 and I worked in a nightclub. While I was here, after the finish of the engagement in the nightclub, I was hired for a film while being here, and I went back and made that film, and 1 or 2 others, and then I came back to New York after that, and I have been here ever since.

Mr. TAVENNER. What has been your employment since you have been back in New York?

Mr. PRAGER. I worked in a musical review called, Two on the Aisle.

Mr. TAVENNER. What year was that?

Mr. PRAGER. Again approximately, I think that that must have been around 1952 or 1953 and it was in the summertime, around in there. When that closed, I worked in a musical package of a play called, One Touch of Venus, and when I came back I worked in a musical review called, Two on the Aisle, and when that closed I worked in a revival of a play on Broadway called Room Service.

After that I did some more summer work in Dallas, and on the cape, and then there followed a period of unemployment, and I'm now currently engaged in a Broadway musical.

Mr. TAVENNER. What is the name of that musical?

Mr. PRAGER. The Pajama Game.

Mr. TAVENNER. Will you tell the committee your television credits?

Mr. PRAGER. When I came back from California, I worked on a show called The College Bowl, a musical show, which had a contract show, which had a certain kind of run, and I think it was about 26 weeks.

After that I worked very sporadically on television, and I think that I can't give you these chronologically, but I have worked on, the Colgate Comedy Hour, on the Jackie Gleason Show.

There are very few. That is about offhand all I can remember. I am sure there were 1 or 2 others, and I worked for instance, on a show whose name I can't think of, where I was acting out sketches, a kind of game, you know. I also worked on a show called, Say It With Acting, which was playing charades.

Mr. TAVENNER. What about radio shows?

Mr. PRAGER. To the best of my recollection, I haven't been on a radio show in a long time.

Mr. TAVENNER. During the period of time that you have been an actor, you have been prominent in numerous Communist Party activities, have you not? For instance, the sponsorship of the Conference for Thought Control, held in California in 1947, under the auspices of the Hollywood Council of the Arts, Sciences, and Professions and the Progressive Citizens of America.

Mr. PRAGER. I can answer that by saying to you first of all that I am against thought control, and I am for peace, and I will not answer any question which invades my privacy and my right of association, and I will invoke my privilege under the fifth amendment.

Mr. TAVENNER. Are you against thought control on the part of the Communist Party against its members?

Mr. PRAGER. That is a trick question, Mr. Tavenner.

Mr. TAVENNER. No, it isn't.

Mr. PRAGER. To me it is, and consequently I can't involve myself with you in it.

Mr. TAVENNER. You have never spoken out against thought control as exercised by the Communist Party, have you?

Mr. PRAGER. That is the same question, and I won't answer it for the same grounds previously stated. But I will tell you this, at some other time, at some other place, I will discuss anything with you on any level, but not in this wall cloaked with these ground rules.

Mr. TAVENNER. And not under oath?

Mr. PRAGER. Well, I think that I have answered it.

Mr. TAVENNER. You also took part in the movement by the actor's division of the Progressive Citizens of America, on November 3, 1947, in attacking the predecessors of this committee, did you not?

Now, in asking you that question, anyone has a right, of course, to attack this committee, and the only purpose, or the reason I ask you about it is to find out whether or not you were part of a Communist Party plan to do so.

Mr. PRAGER. I would like to answer that by saying that it is true anybody has the right to attack this committee, but you do it at the risk of losing your job. History has shown that if you attack this committee and if you are openly aggressive against the committee, you are in great jeopardy of losing your job. In answer to your question, I am not going to answer it on the grounds previously stated. But if you look at the history of the people who have attacked this committee, you will find that they have been blacklisted.

Mr. TAVENNER. I think that your testimony shows that since 1947, you have had quite extensive employment. You took part as one of the signers in the amicus curiae brief filed in behalf of the Hollywood Ten, did you not?

Mr. PRAGER. Yes, I did.

Mr. TAVENNER. To what extent was the Communist Party instrumental in procuring your signature to it?

Mr. PRAGER. It is the same kind of trick question, and I won't answer it on the grounds previously stated.

Mr. TAVENNER. Did the Communist Party or any person known to you to be a member of the Communist Party influence you in obtaining your signature to that brief?

Mr. PRAGER. I stand on my previous statement.

Mr. SCHERER. I ask you to direct him to answer the question, Mr. Chairman.

Chairman WALTER. I direct you to answer the question.

Mr. PRAGER. I am not answering it because I believe my constitutional rights are being attacked, and I will not answer it because you are prying into my associations and because I don't think that this question has any legislative purpose in relation to this committee, and I will not answer it because I am invoking my privilege under the fifth amendment.

Also I will not answer it because I think that the question has in it an intention to intimidate people from filing briefs.

Mr. SCHERER. I ask that the witness be directed to answer the question because I think that he waived his right to invoke the fifth amendment when he said that he signed the petition.

Chairman WALTER. He was directed to answer, and he didn't.

Mr. TAVENNER. Were you one of the sponsors of the peace meeting held in Mexico City in August of 1949?

Mr. PRAGER. I am for peace, and I always have been for peace, and I don't think there is going to be a war.

Chairman WALTER. Will you answer the question, please?

Mr. PRAGER. Any question of peace, I am for.

Chairman WALTER. What about this particular one?

Mr. PRAGER. I am going to decline to answer that on the grounds previously stated.

Mr. SCHERER. Did you go to Mexico at that time, Witness?

(Witness consulted with counsel.)

Mr. PRAGER. I believe that that is the same question, and I refuse to answer it on the grounds previously stated.

Mr. SCHERER. Were you ever in Mexico?

Mr. PRAGER. Yes, I have been in Mexico.

Mr. SCHERER. What was the date of this peace meeting?

Mr. TAVENNER. August of 1949.

Mr. SCHERER. Were you in Mexico in August of 1949?

(Witness consulted with counsel.)

Mr. PRAGER. I was in Mexico around 1950, in a place called Rosa Rita Beach, and it is near Ensenada, and I have never been in Mexico City to the best of my recollection.

Chairman WALTER. Were you in Mexico in August of 1949, that was the question?

(Witness consulted with counsel.)

Mr. PRAGER. I stand on the previous grounds that I stood on before.

Mr. SCHERER. I ask you to direct the witness to answer. I cannot accept your answer, Witness.

Chairman WALTER. I direct you to answer the question.

Mr. PRAGER. I will not answer it because I stand on my constitutional privileges.

Mr. WILLIS. Were you in Mexico more than once?

Mr. PRAGER. I think that I might have been, and it is kind of easy to drive down from Los Angeles into Lower California.

Mr. SCHERER. What were your reasons for going to Mexico?

Mr. PRAGER. I think that that question is, you know, also, intending to entrap me, and I am not going to answer it, and no matter what the reasons are, I don't think that you have the right to ask me my reasons to go anyplace.

Mr. SCHERER. I ask you to direct the witness.

Chairman WALTER. I direct the witness.

Mr. PRAGER. I will not answer and stand on the grounds previously stated.

Mr. TAVENNER. Is Stanley Prager your professional name or is it your real name?

Mr. PRAGER. It is both

Mr. TAVENNER. It is both?

Mr. PRAGER. Yes, sir.

Mr. TAVENNER. Have you used any other name?

(Witness consulted with counsel.)

Mr. PRAGER. I decline to answer that on the grounds previously stated.

Chairman WALTER. I direct you to answer that question.

Mr. PRAGER. I decline to answer on the grounds previously stated.

Mr. SCHERER. Do you feel that to tell us whether or not you have used any other name would tend to incriminate you, Witness?

Mr. PRAGER. I decline to answer, Mr. Congressman, on the grounds previously stated, but may I have a moment with my attorney?

Mr. SCHERER. I ask you to direct the witness, Mr. Chairman.

(Witness consulted with counsel.)

Mr. PRAGER. I am declining, Mr. Chairman, to answer that question on the grounds previously stated, but I am also stating that there is no inference of guilt involved here.

Mr. SCHERER. I am asking you again, do you feel that to answer the question of whether or not you used any other name would tend to incriminate you?

Mr. PRAGER. I decline to answer on the grounds previously stated, although I again say——

Mr. SCHERER. You cannot take the fifth amendment on the fifth amendment.

Chairman WALTER. I direct you to answer the question.

Mr. PRAGER. I decline to answer, again, on the grounds previously stated.

Mr. TAVENNER. You have stated that your professional and your true name is Stanley Prager. Were you born under the name of Stanley Prager?

Mr. PRAGER. Yes.

Mr. TAVENNER. What was the last television play that you were engaged in? I am not certain that I understood you.

Mr. PRAGER. Well, let me ask you to clarify that. The last television play, or appearance?

Mr. TAVENNER. Appearance.

Mr. PRAGER. I believe the last television appearance that I made was at a benefit for cerebral palsy.

Mr. TAVENNER. What was the last television play in which you engaged?

Mr. PRAGER. To the best of my knowledge, it must have been last summer on the Colgate Comedy Hour.

Mr. TAVENNER. Have you had a position of any character within the framework of the American Federation of Television and Radio Artsists' organization?

Mr. PRAGER. I don't understand the question. Would you define that a little more clearly?

Mr. TAVENNER. Have you held any position within that organization?

(Witness consulted with counsel.)

Mr. PRAGER. No.

Mr. TAVENNER. Elective or appointive?

Mr. PRAGER. Not to my knowledge, I don't remember holding any position. I am a member in good standing.

Mr. TAVENNER. Have you held any position in Actors Equity?

Mr. PRAGER. Not to my knowledge.

Mr. TAVENNER. You would know if you had.

Mr. PRAGER. I was never an officer or council member, if that is what you are referring to.

Mr. SCHERER. Were you ever a committee chairman of either of the unions?

Mr. PRAGER. Not to my knowledge. I might have at one time been a teller, or, yes, I was a sergeant-at-arms at a couple of Actors Equity meetings.

Mr. SCHERER. That is an office.

Mr. TAVENNER. Were you a member of the Communist Party at any time that you were a member of either of these organizations?

Mr. PRAGER. I am not going to answer that question because you are prying into my associations, and you are attacking the Constitution, and I am going to invoke my privilege guaranteed me under the fifth amendment.

Mr. TAVENNER. Are you a member of the Communist Party now?

Mr. PRAGER. I am not going to answer that question because, as I explained to you, my associations and my beliefs and my right of whom I meet with, or what I read, is my own private affair, and it has no business of this committee and I can't see any legislative functions that this committee has in asking these kind of questions, and consequently I refuse to answer it on my rights guaranteed me under the first amendment, and I invoke my privilege as guaranteed me under the fifth amendment, although I say that there is no incrimination necessarily stated here.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. SCHERER. Mr. Prager, Mrs. Townsend, as you know now, testified under oath before this committee as to your Communist——

Mr. PRAGER. May I speak to my attorney for a moment?

(Witness consulted with counsel.)

Mr. PRAGER. I meant in the last statement that no inference should be drawn, and I used an incorrect word, and may I have that corrected, please?

Mr. SCHERER. Mr. Prager, as you now know, Mr. Lytton and Mrs. Townsend testified under oath before this committee as to your Communist Party membership. You referred to Mrs. Townsend as an informer and a stool pigeon. I am going to ask you whether or not the testimony which Mrs. Townsend gave to this committee under oath about you was true or false?

Mr. PRAGER. I decline to answer that question on the grounds previously stated.

Mr. SCHERER. I have no further questions.

Chairman WALTER. The witness is excused.

The committee will stand in recess until 2:15 p. m.

(Whereupon, at 12:50, the committee recessed until 2:15 p. m., the same day.)

AFTERNOON SESSION—AUGUST 15, 1955

Chairman WALTER. The committee will be in order.

Will you call your next witness, Mr. Tavenner?

Mr. TAVENNER. Mr. Martin Wolfson.

Mr. WOLFSON. I have a little trouble with hearing, and I would like to have counsel sit on this side of me.

Mr. TAVENNER. I have no objection.

Chairman WALTER. Will you raise your right hand, Mr. Wolfson.

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WOLFSON. I do.

TESTIMONY OF MARTIN WOLFSON, ACCOMPANIED BY HIS COUNSEL, PAUL L. ROSS

Mr. TAVENNER. What is your name, please, sir?

Mr. WOLFSON. My name is Martin Wolfson.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record?

Mr. ROSS. Paul L. Ross, 160 Broadway, New York City.

Mr. TAVENNER. When and where were you born, Mr. Wolfson?

Mr. WOLFSON. I was born in New York City.

Mr. TAVENNER. When?

Mr. WOLFSON. In 1904.

Mr. TAVENNER. Where do you now reside?

Mr. WOLFSON. New York City.

Mr. TAVENNER. What address?

Mr. WOLFSON. Counsel, if you don't mind, I have a wife and child, and I would like to not give the address. There are some crackpots in this town, and I don't want to have any trouble for them.

Mr. TAVENNER. Will you answer the question, please?

Mr. WOLFSON. I will give it to you privately.

Mr. TAVENNER. For the record?

Chairman WALTER. That is all right.

Mr. TAVENNER. How long have you resided in the city of New York?

Mr. WOLFSON. On and off, all of those years, 51.

Mr. TAVENNER. What is your profession?

Mr. WOLFSON. I consider myself an actor, and I have been an actor for 30 years.

Mr. TAVENNER. What is your present employment as an actor?

Mr. WOLFSON. I would be working right now if I hadn't been served with a subpena by this committee, which forced me to cancel a 3-week contract at the St. Louis Municipal Opera, and a contract that I had entered into in March. I asked for a postponement, incidentally, and I didn't get it.

Mr. TAVENNER. Will you answer the question, please, sir?

Mr. WOLFSON. I am not employed now.

Mr. TAVENNER. What show were you employed by at the time you say you came here to testify?

Mr. WOLFSON. South Pacific.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. WOLFSON. I was educated in the schools of Brooklyn, N. Y., and graduated from the College of the City of New York in 1924 with a B. A. degree.

Mr. TAVENNER. When did you first begin your employment as an actor in a professional capacity?

Mr. WOLFSON. I would say in 1925.

Mr. TAVENNER. I have before me a photostatic copy of the December 17, 1931, issue of the Daily Worker, and I find there a notice regarding a play in which you were an actor. The play was entitled "Counselor at Law." Do you recall that play?

Mr. WOLFSON. I do.

Mr. TAVENNER. In giving the account of the play, it is stated that—

Wolfson, just before entering the cast, had traveled in Russia, studying the theaters there, and had staged the Front Page in Moscow."

Is this a correct report of your experience in Russia?

Mr. WOLFSON. Mr. Chairman, I am glad to say that today we are talking about cultural exchanges between peoples, and I went to the Soviet Union because at the time that we had a depression, I didn't have any stocks, and I had a few dollars, and I went to study the theater. It is correct to say that I helped direct the play. I don't speak Russian myself.

Mr. TAVENNER. Was the play Counselor at Law taken to Russia? It is noted in this article it had been invited to the Soviet Union.

Mr. WOLFSON. As far as I know, it did not.

Mr. TAVENNER. Do you know whether or not it was invited?

Mr. WOLFSON. No, I do not.

Mr. TAVENNER. How long were you in the Soviet Union?

Mr. WOLFSON. About 3 months.

Mr. TAVENNER. What was the purpose of your going?

Mr. WOLFSON. I thought I explained, Counselor.

Mr. TAVENNER. Was there any other purpose?

Mr. WOLFSON. There was no purpose—purely cultural.

Mr. TAVENNER. Were you a member of the Communist Party at the time that you were in Russia?

Mr. WOLFSON. Mr. Chairman, I think that the purpose of this committee is to throw fear into the theater. I think that it is no accident that you come here at this time, just when productions are being planned for the fall, actors are being engaged, and plays are being read. You are trying to throw fear into the theater, and I don't think the purpose is a correct one or valid one.

Chairman WALTER. Will you answer the question?

Mr. WOLFSON. Further, I would say that I refuse. Will you state the question again?

Mr. TAVENNER. My question was in substance this: Were you a member of the Communist Party at the time you were in Russia?

Mr. WOLFSON. You have no right to inquire into my associations, my beliefs, and my thoughts.

Chairman WALTER. Never mind the argument, answer the question.

Mr. WOLFSON. May I say it in my own way, Mr. Chairman?

Chairman WALTER. Answer the question, and don't give us an argument. We are not interested in that.

Mr. WOLFSON. You may not be interested in it but I am interested in giving the reasons for it.

Chairman WALTER. Now answer the question.

Mr. WOLFSON. I have the right to give the reasons for my refusal to answer this question, have I not?

Chairman WALTER. After you refuse to answer.

Mr. WOLFSON. I refuse to answer the question and I do it on the right of my privilege of refusing to bear witness against myself.

Chairman WALTER. All right.

Mr. SCHERER. Now, will you read that answer?

(Whereupon the reporter read the previous answer as above recorded.)

Mr. SCHERER. You are invoking the fifth amendment then, against self-incrimination?

Mr. WOLFSON. I think that you will find that in the fifth, Congressman.

Mr. SCHERER. I understand, but under the recent Supreme Court decision, there is a duty imposed upon this committee to ask the witness when it is not clear that he is invoking the fifth amendment, to specifically ask that question.

Mr. WOLFSON. I do. I invoke the fifth amendment.

Mr. TAVENNER. Have you been engaged as an actor at any time in Hollywood?

Mr. WOLFSON. I have been there with plays.

Mr. TAVENNER. You were there in an official capacity, I assume then.

Mr. WOLFSON. That is right.

Mr. TAVENNER. When did you first go to California?

Mr. WOLFSON. To the best of my recollection, I would say in 1926.

Mr. TAVENNER. What was your purpose in going at that time?

Mr. WOLFSON. I was in a play called Gentlemen Prefer Blondes.

Mr. TAVENNER. Was that a screen production?

Mr. WOLFSON. It was a play, counselor, I just told you.

Mr. TAVENNER. Was it also produced on the screen?

Mr. WOLFSON. Subsequently it was.

Mr. TAVENNER. Were you in it when it was produced in movies?

Mr. WOLFSON. I was not.

Mr. TAVENNER. How long were you in California at that time?

Mr. WOLFSON. To the best of my recollection, I would say a few months, playing up and down California.

Mr. TAVENNER. What was the occasion of your next trip to California?

Mr. WOLFSON. I believe it was in 1932.

Mr. TAVENNER. What was the occasion of your going there at that time?

Mr. WOLFSON. I think that was in the play Counselor at Law, but I am not sure, though.

Mr. TAVENNER. Will you tell us the next time that you were in California engaging in your profession?

Mr. WOLFSON. It was in 1933.

Mr. TAVENNER. What was the occasion of your being there then?

Mr. WOLFSON. A tryout of a play called, Ladies and Gentlemen.

Mr. TAVENNER. Was that on the stage or screen?

Mr. WOLFSON. It was on the stage, a tryout of a play.

Mr. TAVENNER. Did you at any time engage in acting for the screen?

Mr. WOLFSON. I have for some commercial pictures here in the East, the names of which I have forgotten.

Mr. TAVENNER. Have you engaged in that work in the West?

Mr. WOLFSON. No, I have not. I might have engaged in it at this point if this committee hadn't subpenaed me, and I had two offers.

Mr. TAVENNER. In 1939, this was a tryout for a stage play. How long were you in California at that time?

Mr. WOLFSON. I would say about a month. Maybe a little more.

Mr. TAVENNER. What was the occasion of your next trip to California?

Mr. WOLFSON. That is all.

Mr. TAVENNER. Will you tell the committee please what your principal stage credits have been in New York, and the approximate dates?

Mr. WOLFSON. I was in a play called, Grant Street Follies, about 1924 or 1925, I guess it was around there, in which I played the part of a takeoff on a Senator in Grant Street Follies, as you know.

Mr. TAVENNER. It is not my purpose for you to give us the plot of the play, merely the title of it.

Mr. WOLFSON. I see. I appeared in a play called, The Glass Slipper, and I appeared in a play called, Faust, and I appeared in a play called Goat Song. I have been in the theater 30 years, you know. I

have appeared in a play called Marco's Millions, Vulpani, As You Were, Counselor at Law, and Gentlemen Prefer Blondes.

Mr. TAVENNER. Now up to that point, about what date have you reached?

Mr. WOLFSON. Well, that is 1932, that includes 1932.

I was in a play, and I don't mean any offense to the committee, called No for an Answer, and I was in a play called Black Pit, a very good play.

Mr. TAVENNER. Was that play by Albert Moltz?

Mr. WOLFSON. I believe it was.

Mr. TAVENNER. You know it was, don't you?

Mr. WOLFSON. A very good play.

Mr. TAVENNER. Don't you know it was?

Mr. WOLFSON. Which castigated stool pigeons.

Mr. TAVENNER. Don't you know it was Albert Moltz' play?

Mr. WOLFSON. I know it was, yes.

Mr. TAVENNER. Were you personally acquainted with Albert Moltz?

Mr. WOLFSON. I don't think that you have the right to inquire into my associations, and I shall therefore refuse to answer.

Mr. SCHERER. I ask you to direct the witness to answer the question, Mr. Chairman.

Mr. WOLFSON. I fear the consequences of your question, and therefore invoke my privilege under the fifth amendment.

Chairman WALTER. I direct you to answer the question.

Mr. WOLFSON. I refuse to bear witness against myself.

Mr. TAVENNER. Will you proceed?

Mr. WOLFSON. I was in a play called Brooklyn, USA, a play called Counter-Attack, and no relation to the paper that has blacklisted me.

I was in a play called Cup of Trembling. Guys and Dolls, and Threepenny Opera.

Did I tell you South Pacific?

Chairman WALTER. You did a while ago.

Mr. TAVENNER. During the period that you were engaged in acting, did you also engage in other activities in which the Communist Party had a special stake and in which it was interested, such as the following:

About the time of the purge by Stalin in the Soviet Union, in 1938, there appears in the Daily Worker issue of April 28, 1938, an advertisement in defense of the purge trials in the Soviet Union, which contained a statement as follows:

> The measures taken by the Soviet Union to preserve and extend its gains and its strength therefore find their echoes here where we are staking the future of the American people on the preservation of progressive democracy and the unification of our efforts to prevent the Fascists from strangling the rights of the people.
>
> American liberals must not permit their outlook on these questions to be confused, nor allow their recognition of the place of the Soviet Union in the international fight of democracy against fascism to be destroyed. We call upon them to support the efforts of the Soviet Union to free itself from insidious internal dangers, principal menace to peace and democracy.

Will you examine the list of those who signed it and state whether or not your name appears there.

(A document was handed to the witness.)

(Witness consulted with counsel.)

Mr. WOLFSON. Mr. Counsel, I think the paper speaks for itself, but I am not going to allow you to inquire into any of my associations, and I refuse to answer on the basis of my——

Mr. TAVENNER. Will you examine the paper and state to the committee what name you see, the third name from the bottom of the list on the right-hand column?

Mr. WOLFSON. Mr. Congressman, or Mr. Counsel, anyone could read that for himself.

Mr. TAVENNER. Well, can you read it?

Mr. WOLFSON. I decline to answer.

Mr. SCHERER. Mr. Chairman, I ask you to direct the witness to answer.

Chairman WALTER. I direct you to answer the question.

Mr. WOLFSON. The same answer for the previously stated position.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Wolfson Exhibit No. 1." for identification only.

Chairman WALTER. Mark it, and let it be received.

The name at the bottom of this list, third from the bottom, is Martin Wolfson. Are you the Martin Wolfson whose name appears on this paper?

Mr. WOLFSON. For the same reason, Congressman, I refuse to answer that.

Mr. TAVENNER. At the time that defense was made of the Soviet purges, were you a member of the Communist Party?

Mr. WOLFSON. The same objection, and the same refusal to answer.

Mr. TAVENNER. Has there been any other activity in the field of acting which you engaged in, and which you have not told us about?

(Witness consulted with counsel.)

Mr. TAVENNER. Your experience has been over such a long period of time, I will try to simplify the question. Were you a member of, or employed by the Federal Theater project?

Mr. WOLFSON. Yes. I wasn't a member of the project. I was employed by it for one show.

Mr. TAVENNER. What was that show?

Mr. WOLFSON. It was a Yiddish production called Tailor Becomes a Storekeeper, I think.

Mr. TAVENNER. How long were you connected with it?

Mr. WOLFSON. A short time, I would say.

Mr. TAVENNER. What do you consider a short time?

Mr. WOLFSON. Six months maybe, or five months.

Mr. TAVENNER. The committee has received considerable evidence indicating the existence among the employees of the Federal Theater project, of organized groups of the Communist Party. Were you aware of the existence of any such organized group during the period you were in that play?

Mr. WOLFSON. I think the Federal Theater was one of the greatest things that ever happened to America, and I think this committee helped to defeat that. I don't think this committee is here to help the theater, as I have indicated in the statement of mine.

Mr. TAVENNER. May I ask that the witness be directed to answer the question?

Mr. WOLFSON. Will you repeat the question again?

Mr. TAVENNER. Were you aware of the existence within the Federal Theater project of any organized group or groups of the Communist Party while you were employed by it?

Mr. WOLFSON. I shall refuse to answer that question for the previously stated reason.

Mr. TAVENNER. Will you tell the committee whether there was an outgrowth from the Federal Theater projects of an organization entitled "Theater Arts Commitee"?

Mr. WOLFSON. For the same reason I shall refuse to answer that question.

Mr. TAVENNER. Were you on the executive board of the Theater Arts Committee?

Mr. WOLFSON. I shall refuse to answer that for the same reason.

Mr. TAVENNER. I have before me a photostatic copy of a letterhead of the Theater Arts Committee which gives the names of the members of the executive board, including the executive secretary and the advisory council, in which the name Martin Wolfson appears as a member of the executive board, in charge of production division.

I desire to introduce it in evidence and ask that it be marked "Wolfson Exhibit No. 2" for identification only.

Chairman WALTER. Mark it and let it be received.

Mr. TAVENNER. Mr. Wolfson, you were an actor over a long period of time. Will you tell the committee whether or not the Communist Party or any of its members endeavored to obtain assistance from actors in taking part in causes that the Communist Party was interested in in the United States and was endeavoring to promulgate or support?

(Witness consulted counsel.)

Mr. WOLFSON. I think that is a question that you know what the answer will be. I take the same position. I refuse to answer it for the same reason.

Mr. TAVENNER. Do you recall a period of time when the Communist Party was extremely interested in the trial of Harry Bridges?

Mr. WOLFSON. Yes.

Mr. TAVENNER. Do you recall that Attorney General Biddle of the United States, in reviewing the record of that case, made a severe indictment of the Communist Party?

(Witness consulted with counsel.)

Mr. WOLFSON. I am going to plead the fifth amendment.

Mr. TAVENNER. Do you recall that the Communist Party made a great effort to obtain a reversal of that condemnation by the Attorney General, which took the form of a letter to the President requesting that he demand that Attorney General Biddle rescind his decision?

Mr. WOLFSON. My answer is the same.

Mr. TAVENNER. I hand you a photostatic copy of a pamphlet, or rather pages from a pamphlet issued by the National Federation for Constitutional Liberties, the title of which is "600 Prominent Americans Ask President To Rescind Biddle Decision." Will you look at page 32, and see whether or not your name is one of those whose support was lent to that project?

(A document was handed to the witness.)

Mr. TAVENNER. It is on the last page.

Mr. WOLFSON. I plead the fifth amendment.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Wolfson Exhibit No. 3" for identification only.

Chairman WALTER. Mark it and let it be received.

Mr. TAVENNER. I will call the attention of the chairman to the fact that the last name appearing in the left-hand column on page 32 is the name of Martin Wolfson. He is identified as an actor in New York City. Did you sign that document, Mr. Wolfson?

Mr. WOLFSON. The answer is the same, Counsel.

Mr. TAVENNER. Did you lend your efforts, Mr. Wolfson, to various peace appeals that the Communist Party endeavored to foist upon the American public?

(Witness consulted with counsel.)

Mr. WOLFSON. I have always been interested in peace because only with peace can an artist develop and can culture develop, which is what we need very badly. I think we are living in a world today when peace is really a reality, but by the same token, the fact that this committee asks me that question, puts me in a position of having to take the fifth amendment in answering, that I will not answer that because I will not be a witness against myself.

Mr. TAVENNER. It isn't the fact that the committee asks such a question, is it? Isn't it the fact that these particular peace appeals were engineered by the Communist Party for Communist Party purposes and propaganda?

Mr. WOLFSON. The answer is the same.

Mr. TAVENNER. Did you endorse the Waldorf conference?

Mr. WOLFSON. The same answer.

Mr. TAVENNER. Were you a member of the National Council of the Arts, Sciences, and Professions?

Mr. WOLFSON. The same answer.

Mr. SCHERER. Has that been cited as a Communist-front organization, Mr. Tavenner?

Mr. TAVENNER. The Congress on American-Soviet Relations was sponsored by the National Council of American-Soviet Friendship in December of 1949 and a program put out by that organization contains the names of a number of endorsees, including the name of Martin Wolfson, New York. Will you tell the committee, please, how your name was obtained for use by the National Council of American-Soviet Friendship, if it was used with your permission?

Mr. WOLFSON. I decline to answer for the previously stated reason.

Mr. TAVENNER. Are you acquainted with a person by the name of Robert Shayne?

(Witness consulted with counsel.)

Mr. WOLFSON. I refuse to answer for the same reason.

Mr. TAVENNER. Mr. Shayne's Communist Party name was Robert Grosvenor, according to his testimony before this committee. Mr. Shayne testified that he had been a member of the Communist Party and had withdrawn, and he gave the committee the benefit of facts within his knowledge. In the course of his testimony, he identified you as a person who appeared at Communist Party meetings attended by him. Do you recall having appeared at Communist Party meetings attended by him?

(Witness consulted with counsel.)

Mr. WOLFSON. I think informing has become a profitable industry as a result of this committee. I decline to answer that question for the previously stated reason.

Chairman WALTER. I just can't let this statement go unchallenged. Nobody has ever made a profit out of testifying for this committee, or before the committee, and this man received the same witness fees that you will receive after you testify.

Mr. WOLFSON. Will I receive the loss of 3 weeks' work, Congressman, to wit, $1,065? And I would like this committee to know that the average income of the actor is less than $800 a year. This is for the committee to know.

Chairman WALTER. We are talking about witnesses being paid to testify.

Mr. WOLFSON. I lose a very good engagement as a result of this.

Mr. SCHERER. You said the average income is $800, and you are losing $1,200 for this period?

Mr. WOLFSON. That is right. You can't figure that, Congressman?

Mr. TAVENNER. Are you now a member of the American Federation of Television and Radio Artists?

(Witness consulted with counsel.)

Mr. WOLFSON. I don't think whether I am a member of the union or not is a concern of this committee. But I shall answer your question—I am.

Mr. TAVENNER. How long have you been a member of it?

Mr. WOLFSON. One of the things that I fought for in my career was the organization of radio, and I have been a member of it since its inception.

Mr. TAVENNER. Since its inception have you endeavored to assist the Communist Party in any manner in promulgating its policies or its plans within that organization or any of its predecessors?

(Witness consulted with counsel.)

Mr. WOLFSON. I have been a good member of this union. I have been against anything that tends to put the actor in a straitjacket of frightened conformity.

Mr. TAVENNER. Have you tried to impose the Communist Party line upon the organization?

Mr. WOLFSON. I refuse to answer your question on the grounds previously stated.

Mr. TAVENNER. Have you played any part in an effort to impose upon your group, in which you say you are so interested, any decision of the Communist Party?

(Witness consulted with counsel.)

Mr. WOLFSON. My union activities are a matter of record, but I decline to answer your question for the same reasons.

Mr. TAVENNER. You spoke of what is a matter of record. Will you tell the committee whether or not it is a matter of record that caucus groups composed of members of the Communist Party within the American Federation of Television and Radio Artists were held?

Mr. WOLFSON. I decline to answer that question for the same reason.

Mr. TAVENNER. Well, if it is not a matter of record, do you know of the holding of such caucus meetings?

Mr. WOLFSON. I decline to answer for the same reason.

Mr. TAVENNER. Were you present at any time during such a caucus?

Mr. WOLFSON. I decline to answer for the same reason.

Mr. TAVENNER. At the time you state that you were such a good member of the union, were you also a member of the Communist Party?

Mr. WOLFSON. I decline to answer for the same reason.

Mr. TAVENNER. Were you also a member of Actors Equity?

Mr. WOLFSON. I repeat that I think that this committee has no right to ask me my associations, but I shall answer that. I am a member of Actors Equity.

Mr. TAVENNER. How long have you been a member?

Mr. WOLFSON. Since 1927.

Mr. TAVENNER. Have you attended any caucus meetings of the Communist Party within Actors Equity?

Mr. WOLFSON. I shall refuse to answer that for the previously stated reason.

Mr. TAVENNER. Are you a member of the Communist Party now?

Mr. WOLFSON. Naturally I am going to answer that by the same way, and I refuse to testify against myself.

Mr. TAVENNER. Up to this point we have been speaking exclusively of your profession of stage acting. Have you engaged in television work as an actor?

Mr. WOLFSON. Very little.

Mr. TAVENNER. What was your last employment in television?

Mr. WOLFSON. A program called American Heritage, and this I appeared in at the time when it seemed that the blacklist was about to be lifted and which has been reimposed by the appearance of this committee.

Mr. TAVENNER. When did you appear on that program?

Mr. WOLFSON. Several months ago, and I don't remember exactly when.

Mr. TAVENNER. Where?

Mr. WOLFSON. In New York.

Mr. TAVENNER. By whom were you employed?

Mr. WOLFSON. I think it was the National Broadcasting Co., but I am not sure.

Mr. TAVENNER. What was your television participation prior to that?

Mr. WOLFSON. An interview, I think, once.

Mr. TAVENNER. As an actor?

Mr. WOLFSON. I did very little.

Mr. TAVENNER. What was your television participation as an actor prior to the interview you mentioned?

Mr. WOLFSON. It must have been 3 or 4 years before that, when I was in a play, and I don't remember the name of it.

Mr. TAVENNER. I have before me a photostatic copy of the Daily Worker of January 26, 1950, which reflects that you took part in a play called Trial of the Traitors. I don't believe you told us about that. Do you recall it?

(Witness consulted with counsel.)

Mr. WOLFSON. Where was this performed?

Mr. TAVENNER. Capitol Hotel.

(Witness consulted with counsel.)

Mr. WOLFSON. I am going to invoke my constitutional privilege and refuse to answer the question.

Mr. SCHERER. I am going to ask you to direct the witness to answer the question.

Chairman WALTER. I direct you to answer the question.

Mr. WOLFSON. Then I will not bear witness against myself.

Mr. SCHERER. Was there anything about your participation in that play which would tend to incriminate you, witness?

Mr. WOLFSON. My position is the same, Congressman.

Mr. SCHERER. I ask that he give an answer.

Chairman WALTER. He has given an answer, I think.

Mr. TAVENNER. Was that play written by Jerome Chodorov?

Mr. WOLFSON. May I see that copy?

Mr. TAVENNER. Yes.

(A document was handed to the witness.)

Mr. WOLFSON. I shall stand on my constitutional right and refuse to answer that question for the reasons previously stated.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Wolfson Exhibit No. 4" for identification only.

Chairman WALTER. Let it be received.

Mr. TAVENNER. Are you acquainted with Jerome Chodorov?

Mr. WOLFSON. I don't think that you have a right to inquire into my associations, and I shall plead the fifth.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Chairman WALTER. Are there any questions, Mr. Willis, or Mr. Scherer?

Mr. SCHERER. I have no questions.

Chairman WALTER. The witness is excused.

Mr. WOLFSON. May I offer a statement to be filed?

Chairman WALTER. Call your next witness, Mr. Tavenner.

Mr. TAVENNER. I would like to call Mr. Lou Polan as the next witness.

Will you come forward Mr. Polan.

Chairman WALTER. Will you raise your right hand.

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. POLAN. I do.

TESTIMONY OF LOU POLAN, ACCOMPANIED BY HIS COUNSEL, DAVID SCRIBNER

Mr. TAVENNER. Are you Mr. Lou Polan?

Mr. POLAN. That is correct, sir.

Mr. SCRIBNER. I suggest there be no photographs during the testimony.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. SCRIBNER. David Scribner, 11 East 51st Street, New York.

Mr. TAVENNER. When and where were you born, Mr. Polan?

Mr. POLAN. I was born in Russia, in 1904.

Mr. TAVENNER. When did you come to this country?

Mr. POLAN. I came to this country in 1906.

Mr. TAVENNER. Are you a naturalized American citizen?

Mr. POLAN. I am.

Mr. TAVENNER. Through derivative citizenship?

Mr. POLAN. Through the fact that my father became naturalized when I was a young child.

Mr. TAVENNER. What is your present place of residence?

Mr. POLAN. In New York City, 45 West 69th Street, New York.

Mr. TAVENNER. How long have you lived in the city of New York?

Mr. POLAN. About twenty-odd years.

Mr. TAVENNER. What is your present occupation, or profession?

Mr. POLAN. Actor.

Mr. TAVENNER. How long have you been engaged in the profession of acting?

Mr. POLAN. 35 years.

Mr. TAVENNER. Is the name Lou Polan a professional name?

Mr. POLAN. Actually, my name is Louis Polan, but I have adopted Lou Polan for the stage.

Mr. TAVENNER. Will you tell the committee please what your formal educational training has been.

Mr. POLAN. Elementary school, and one grade of high school.

Mr. TAVENNER. Did you begin your acting career in the city of New York?

Mr. POLAN. That is correct, I did.

Mr. TAVENNER. About what date?

Mr. POLAN. 1920.

Mr. TAVENNER. Did you remain constantly in the city of New York for a period of time in the practice of your profession?

Mr. POLAN. Constantly.

Mr. TAVENNER. Except while engaged in trips?

Mr. POLAN. Or on a tour, overseas for two periods. I was in New York as the center from which I carried on my work as an actor.

Mr. TAVENNER. You said you were overseas for two periods. Was that during the period of the World War II?

Mr. POLAN. One period, yes. I went to the Philippines, and New Guinea with the USO, in Oklahoma.

Mr. TAVENNER. Did you go overseas as a member of the Armed Forces?

Mr. POLAN. With the USO. Before you go into great detail, I would like to establish the fact that I am an actor, and I have been in the theater a long time.

Mr. TAVENNER. I am trying to develop that right now, sir.

Mr. POLAN. I think we can save a lot of time. I have played with the outstanding companies of New York; the Playwrites Co., the Theater Guild, and I have played with the outstanding stars of the American theater, with Walter Huston; Judith Anderson; and Otis Skinner; and Jane Cowl; Lunt and Fontaine; and I can go down a tremendous list, and I have been with Walter Hampden, and I played every play he had in the classical repertoire, and particularly Cyrano de Bergerac, and I have been in Oklahoma for 2 years, and I have been in stock, and I have been in films, and I have been in television and radio, and the screen, and it is obvious that my activity for the past 35 years professionally has been as an actor.

All of my adult life and a good part of my youth has been dedicated to the theater, and my name is hardly important to you for the purpose of your inquisition, and your subpena naming Lou Polan might just as well have named, "Mr. Theater."

I wish to put this committee on notice that I will not assist you in your lawless efforts to censor the legitimate theater or control the entertainment field which, in my opinion, are the real aims of this

committee. I challenge the legal authority of this committee to conduct this star-chamber proceeding. I am going to take an unequivocal position here, and I am going to give the reasons for not answering, and I am not going to answer any questions of this committee, and I wish to state the reasons.

Chairman WALTER. You just wait until you are asked a question.

Mr. POLAN. All morning you have been saying to people, "Why don't you mention the reasons you don't want to answer my questions?"

Chairman WALTER. You will answer whatever questions are propounded to you. Mr. Tavenner, proceed with questioning.

Mr. SCHERER. I suggest that if the witness continues in this vein, and in this outburst, violating the orders of the chairman, that he is guilty of contempt.

Chairman WALTER. We are not concerned about that for the moment.

Mr. SCHERER. I am so advising him.

Mr. TAVENNER. At the time you launched upon your prepared speech, I was asking you about the two occasions on which you were overseas, and you told us of one. Now, what was the other?

Mr. POLAN. I have spent 35 years——

Mr. TAVENNER. I am not asking you about 35 years.

Chairman WALTER. This is not responding. Answer the question.

Mr. POLAN. I would like to state, and I will not answer that question——

Chairman WALTER. Why won't you answer the question?

Mr. POLAN. I will now state the reasons why. This committee has no authority under the Constitution to censor, or control, or supervise, or direct the activities of a free American theater, or——

Chairman WALTER. You have not answered Mr. Tavenner's question.

Mr. POLAN. Or become casting director for the American theater. As the Supreme Court has stated, this committee cannot investigate in that area.

Chairman WALTER. We are not making any investigation of what you are talking about. Answer the question about your other trip abroad.

Mr. POLAN. This committee has no authority as the Supreme Court has stated, to become a law enforcement agency. That job is assigned to other branches of our Government who in turn must——

Chairman WALTER. Answer the question about your other trip to Europe.

Mr. POLAN. I am trying to state the reasons.

Chairman WALTER. You have not given us a legal reason.

Mr. POLAN. I may say I worked very hard on these reasons.

Chairman WALTER. You didn't work very hard.

Mr. POLAN. I did, because I wanted to be succinct and unequivocal in my position.

Chairman WALTER. You are not kidding anybody.

Mr. POLAN. I wish you would allow me 3 or 4 minutes to state my reasons. I don't have much time, and these are my reasons for not answering. I refuse to answer any questions this committee puts before me.

Chairman WALTER. If you refuse to answer, we are not going to hear your reasons.

Are you going to ask any more questions, Mr. Tavenner?

Mr. SCHERER. I ask you to direct the witness to answer.

Mr. SCRIBNER. He is telling you he is not answering.

Mr. SCHERER. You know the rules.

Mr. SCRIBNER. And I don't like them, and that is the reason.

Chairman WALTER. I want to again tell this audience that you are here as the guests of the committee, and any further demonstrations will compel me to order that the room be cleared.

Mr. TAVENNER. Mr. Chairman, I think that the witness should be clearly directed to answer that question. He says he has refused.

Mr. POLAN. I will ask to be directed to answer that question, then.

Chairman WALTER. I direct you to answer the question.

Mr. POLAN. I will not answer that question, and I am now giving the reasons.

Mr. TAVENNER. You are only permitted to give legal reasons.

Mr. POLAN. This committee has no authority.

Chairman WALTER. That is not the kind of a reason that you are permitted or should attempt to give.

Mr. POLAN. It isn't?

Mr. SCRIBNER. I say they are legal reasons, as his counsel, and if you will go into his reasons, you will find that he is going into every issue that the Supreme Court has been considering in the case that you know about that I was involved in.

Chairman WALTER. And has passed upon.

Mr. SCRIBNER. They have not, and perhaps there will be an opportunity to pass on it, and maybe they will do as they did in the Emspak and Quinn cases where the Court created limitations on this committee. Perhaps this will be a limitation on all of the activities of this committee, certainly in the field of the theater and I am very hopeful that is going to come about.

Chairman WALTER. It cannot come about, and we cannot raise the kind of a question here that would be passed on by the Supreme Court.

Mr. SCRIBNER. All he can do, and in all fairness, we have known each other a long time, and I say this most respectfully, and certainly to the institution of Congress as such, and what he is doing now——

Mr. SCHERER. I ask for regular order. I insist on the rules of this committee being followed.

Chairman WALTER. I am going to break the rules for one second.

Mr. SCRIBNER. All he wants to do is give what he considers to be legal reasons. You may not agree with the legal reasons, and you are an eminent lawyer, and I know that. I am a lawyer, and I say those reasons are good.

Now, he relies on me, rather than on you, and that is fair. I am representing him. In doing so, he is ready to take any risks and any chances that are involved in giving these as legal reasons.

Chairman WALTER. Except this is the wrong place to raise the reason.

Mr. SCRIBNER. He is asking him a question.

Chairman WALTER. He can refuse to answer on the grounds he doesn't have to answer. That is enough.

Proceed, Mr. Tavenner: ask another question.

Mr. SCRIBNER. You don't know whether he is going to wind up with the fifth amendment. You wouldn't know that.

Mr. TAVENNER. You stated that you made the city of New York your headquarters and you worked out of here, if I understood you correctly.

Mr. POLAN. That is right.

Mr. SCHERER. I still want to know where he went on this other trip.

Chairman WALTER. We will get around to that, Mr. Scherer.

Mr. TAVENNER. Did you reside in the city of New York during the years 1939 and 1940?

Mr. POLAN. I think that I made it quite clear that I am not going to answer any questions, and I am not going to answer this question, and I am not going to answer any question that this committee puts to me. I would like to continue stating my reasons on any question relating to the theater.

Chairman WALTER. That is all. You have just declined to answer the question, and now I think at this point, Mr. Tavenner, we ought to excuse the witness.

Mr. TAVENNER. Very well. Could we give him a direction on that question, first?

Chairman WALTER. I direct you to answer the last question.

Mr. WILLIS. I think the record should show that I do not agree with his reasons, and we overruled them.

Chairman WALTER. He has refused to answer that question, and he said that he will not answer any questions of this committee. Now, I direct you to answer the last question.

Mr. POLAN. Without giving my reasons?

Chairman WALTER. Where do you live?

Mr. POLAN. I think the rules of this committee indicate that a person can give his reasons for not answering the question.

Chairman WALTER. You have been directed to answer the question about your residence.

Mr. POLAN. I am refusing to answer any questions, and I insist——

(Witness consulted with counsel.)

Mr. POLAN. I refuse to answer this question and I would like to give my reasons.

Chairman WALTER. We are not concerned with your reasons for refusing to answer the question as to your residence.

Are there any other questions, Mr. Tavenner?

Mr. TAVENNER. No, sir.

Chairman WALTER. The witness is excused.

Mr. TAVENNER. Mr. Phillip Leeds. Is Mr. Leeds in the room?

Chairman WALTER. Will you raise your right hand?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LEEDS. I do.

TESTIMONY OF PHIL LEEDS, ACCOMPANIED BY COUNSEL, MARTIN POPPER

Mr. TAVENNER. Are you Mr. Phil Leeds?

Mr. LEEDS. Yes, sir.

Mr. TAVENNER. Will you spell your name, please?

Mr. LEEDS. L-e-e-d-s.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. POPPER. Martin Popper.

Mr. TAVENNER. When and where were you born, Mr. Leeds?

Mr. LEEDS. I was born in the Bronx, New York City, April 6, 1916.

Mr. TAVENNER. Where do you now reside?

Mr. LEEDS. I live in the Borough of Manhattan, New York City.

Mr. TAVENNER. What address?

Mr. LEEDS. Excuse me.

(Witness consulted with counsel).

Mr. LEEDS. 411 West End Avenue.

Mr. TAVENNER. How long have you lived in the city of New York?

Mr. LEEDS. With the exception of the 3 years in the Army, and about 6 months in California, all of my life, on and off, aside from the tours that I made.

Mr. TAVENNER. What is your profession?

Mr. LEEDS. I am an actor, sir.

Mr. TAVENNER. How long have you been engaged professionally as an actor?

Mr. LEEDS. I would say roughly about 17 years.

Mr. TAVENNER. Would you tell the committee please what your principal stage credits are?

Mr. LEEDS. My theater credits, sir?

Mr. TAVENNER. Yes, theater credits.

Mr. LEEDS. That is excluding television and radio, just the theater credits?

Mr. TAVENNER. Yes.

Mr. LEEDS. I appeared in a show, my first show I think it was, Let Freedom Ring. Excuse me, it was, Of Thee I Sing, and I appeared in Let Freedom Ring, and then I went into the Army, and that was 3 years, and I did a show called Make A Wish, and another show called Curtain Going Up, and most recently, Can Can.

Mr. TAVENNER. Will you tell us what your television credits have been?

Mr. LEEDS. I have appeared with all of the major, or most of the major comedy shows, the Milton Berle Show, the Jimmy Durante Show, the Victor Borge Show, and I had my own show once, or what amounted to my own show, called Front Row Center.

Mr. TAVENNER. What is your latest appearance with television?

Mr. LEEDS. My last appearance on television was the Garry Moore Show.

Mr. TAVENNER. When was that?

Mr. LEEDS. That was about May, it must have been the end of May, of this year.

Mr. TAVENNER. Will you tell the committee please what your radio credits have been?

Mr. LEEDS. I have appeared on the Jane Pickens Show, where I was for a year, and I appeared on a Maxie Rosenbloom Show, and I have done odd mystery shows from time to time.

Mr. TAVENNER. During this rather extensive career on the stage and television and in radio, were you a member of any trade unions in those various professions?

Mr. LEEDS. In order to perform your job in radio or in television or in the theater, you must belong to a union.

Mr. TAVENNER. What unions did you belong to?

Mr. LEEDS. I belonged to AFRA, which was the radio union, and then I belonged to Actors Equity, and I also belonged to AGVA (American Guild of Variety Artists), which is the variety union.

Mr. TAVENNER. Were you a member of the American Federation of Television and Radio Artists?

Mr. LEEDS. Yes, sir, and I still am.

Mr. TAVENNER. I understood you to say AFRA a moment ago.

Mr. LEEDS. AFRA was an organization that predated.

Mr. TAVENNER. Did I misunderstand you? Did you mean AFTRA?

Mr. LEEDS. No, at that time, that particular time when I was in radio work, I had to belong to AFRA, and when television came into being, I joined the two unions that were merged.

Mr. TAVENNER. With regard to the American Federation of Television and Radio Artists, will you tell the committee whether or not, to your knowledge, there was a caucus within that organization of members of the Communist Party?

(Witness consulted with counsel.)

Mr. LEEDS. I must say at this point that I have been listening to this all morning, this particular line of questioning, and I would like to state how I feel so that perhaps we might, in the interest of time saving, get on with this hearing.

Mr. TAVENNER. If you would just answer that question, it would be the quickest way to get on with it, as you say.

Mr. LEEDS. Except sir, that I consider that you are throwing me a kind of a curved question.

Mr. TAVENNER. No, that is straight from the shoulder.

Mr. LEEDS. It might come straight from your shoulder but it kind of curves when it reaches me, to this degree, sir.

I think anybody who has ever been questioned on the stand could be made to turn out to be somebody completely different than what he is, because of the nature of the questions. You cannot answer a question "yes" or "no," and really get the complete picture of what is in the person's mind. That is, the person who is being questioned.

Mr. TAVENNER. Do you remember what the question is?

Mr. LEEDS. Yes, I do. You asked me do I know anything about a caucus, Communist caucus in the unions in which I belonged.

Mr. TAVENNER. Yes.

Mr. LEEDS. And I must tell you this, sir, that I believe that it is—I am very proud to be an American citizen.

Chairman WALTER. Do you know anything about a caucus that took place in the union?

Mr. LEEDS. I am afraid sir that I must decline to answer that question and invoke the privilege of the fifth amendment.

Mr. TAVENNER. My question related particularly to the American Federation of Television and Radio Artists, and I want to ask you the same question with regard to Actors Equity. Were you aware of the existence of a Communist caucus within that organization?

Mr. LEEDS. I must answer in the same manner, sir.

Mr. TAVENNER. Did you ever attend such a caucus meeting?

Mr. LEEDS. I must again answer in the same manner.

Mr. TAVENNER. Were you a member of the Communist Party at any time while you were a member of the American Federation of Television and Radio Artists?

Mr. LEEDS. I believe that it is the privilege of an American citizen to believe in Yogi Berra if he so desires, or that lanolin will save the world. I do not believe that it is your right to ask me any question concerning my politics, how I worship, and how I think, and what I read, and if I wear suits with narrow lapels or if I use an underarm deodorant. I think you are intruding on the privacies, or my privacy as an American citizen and as such I refuse to answer that question on the grounds previously stated.

Mr. TAVENNER. You are not a member of the Communist Party at this time, are you?

Mr. LEEDS. I refuse to answer that question on the grounds previously stated.

Mr. TAVENNER. Didn't you tell the investigators of this committee when they interviewed you that you did join the Communist Party in 1940, but that you are not now a member?

Mr. LEEDS. I am afraid that I must refuse to discuss what I say away from this court with anybody. I may talk to the trees, sir, if I so choose, and in fact sometimes I do talk to them. I think that is my privilege as an American citizen. I must decline to answer that question on the grounds previously stated.

Mr. TAVENNER. If you are talking to the trees, and you don't tell them any more than you tell us, it doesn't amount to much. You are unwilling to tell the committee anything within your knowledge regarding the activities of the Communist Party within the various organizations of which you have been a member. That sums it up, does it not?

Mr. LEEDS. Are you suggesting that I am a member of—you are putting words into my mouth, sir, or you are trying to get me into a position which I am ill-equipped to face. Will you repeat the question?

(Whereupon the reporter read the pending question as above recorded.)

Mr. LEEDS. If you will ask me a direct question, I will try and give a direct answer. I don't consider that a question.

Mr. TAVENNER. What Communist Party activities have you observed within any of the labor organizations of which you have been a member?

Mr. LEEDS. I think that I have previously stated my position, and I don't think that this committee has any right to ask me questions concerning what I think, and what I saw.

Chairman WALTER. Are you going to answer the question or do you refuse?

Mr. LEEDS. I decline to answer the question on the ground previously stated.

Chairman WALTER. By that you mean the first and fifth amendments?

Mr. LEEDS. The privilege, that is right, sir.

Mr. TAVENNER. Were you affiliated with the National Council of American-Soviet Friendship in 1947?

Mr. LEEDS. The same answer, sir.

Mr. TAVENNER. During the period in which you were specializing in acting, did you engage in your profession at Camp Wo-chi-ca, in New Jersey?

Mr. LEEDS. The same answer.

Mr. TAVENNER. Was that an IWO sponsored camp for young people?

Mr. LEEDS. The same answer, sir.

(At this point, Mr. Scherer left the hearing room.)

Mr. TAVENNER. In 1940, were you an entertainer for a concert and lecture bureau of the IWO?

Mr. LEEDS. I am afraid I must give the same answer, and I must confess that my memory that far back is very vague, but I must give the same answer, sir.

Mr. TAVENNER. Were you a member of the IWO at that time?

Mr. LEEDS. The same answer. In order to save ourselves trouble, you may consider this same answer. I hate to be this dull, sir, because I have gotten some kind of a reputation as a humorist, but these questions all have the same tired answer, and I am sorry.

Mr. TAVENNER. But you need not necessarily make the same tired answer, if you would just tell the committee facts.

Were you a member of the New Theater League?

Mr. LEEDS. I would not give you the same tired answer if you would not ask me the same tired question. You are asking me these same questions and I have already expressed my opinion about what I think my rights are as an American.

Chairman WALTER. These were not the same questions at all, they are entirely different.

Mr. LEEDS. They are pretty much the same questions, and they involve what I think, and who I associate with, and what I do with my time, which I think is quite my own business. Don't you, sir?

Chairman WALTER. No, I don't.

Mr. LEEDS. Well, I am awfully sorry, but I do.

Mr. TAVENNER. Were you acquainted with Zero Mostel?

Mr. LEEDS. Yes, sir.

Mr. TAVENNER. Did you engage in stage performances with him?

(Witness consulted with counsel.)

Mr. LEEDS. Would you be more specific, sir?

Mr. TAVENNER. Do you recall whether or not you did engage in performances with him, and if so, what performances?

(Witness consulted with counsel.)

(At this point, Mr. Scherer returned to the hearing room.)

Mr. LEEDS. As I recall, several summers ago, I performed with Zero at some—pardon me—some philanthropic Jewish organization, to the best of my knowledge.

Mr. TAVENNER. Do you recall a show entitled "Doctor IOU"?

Mr. LEEDS. No, sir, I do not.

Mr. TAVENNER. Which was given by the Voice of Freedom Committee?

Mr. LEEDS. Do you have any information about that, sir, because I don't know whereof you speak?

Mr. TAVENNER. I hand you a document and ask you if it refreshes your recollection.

(A document was handed to the witness.)

Mr. LEEDS. I must say that I do not recall this at all. I must explain to you, sir, that in these 17 years I have been in show business, I have performed at hundreds and hundreds of functions, but I really don't recall this at all.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Chairman WALTER. Have you any questions of the witness, Mr. Scherer? Mr. Willis?

The witness is excused.

I think this would be a good place for a 5-minute recess.

(Whereupon a brief recess was taken by the committee.)

Chairman WALTER. The committee will come to order.

Call your next witness, Mr. Tavenner.

Mr. TAVENNER. Miss Sarah Cunningham.

Mr. BOUDIN. The same request about pictures, and no pictures now or later.

Chairman WALTER. As soon as the witness has been sworn, there will be no more pictures.

Will you step around here, please? Will you raise your right hand, please?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Miss CUNNINGHAM. I do.

TESTIMONY OF SARAH CUNNINGHAM, ACCOMPANIED BY HER COUNSEL, LEONARD BOUDIN

Miss CUNNINGHAM. I am sworn in, and no more pictures, please.

Mr. BOUDIN. I thought there was an order by the chairman.

Chairman WALTER. There was.

Miss CUNNINGHAM. I think I sent this statement to the committee, and I would like to be permitted to read it here.

Chairman WALTER. May I see it, please?

(Document was handed to the chairman.)

Mr. TAVENNER. What is your name, please?

Mr. BOUDIN. Will you allow the chairman to look at the statement, and may my client read it?

Chairman WALTER. No, you know the rules.

Mr. BOUDIN. I thought that the rule was that you could if it were given in advance.

Chairman WALTER. It will be made a part of the record if it is relevant.

Mr. TAVENNER. What is your name, please?

Miss CUNNINGHAM. Sarah Cunningham Randolph.

Mr. TAVENNER. The wife of John Randolph?

Miss CUNNINGHAM. Yes, a wonderful actor.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. BOUDIN. Leonard Boudin, 25 Broad Street, New York 5, N. Y.

Mr. TAVENNER. What is your profession, Mrs. Cunningham?

Miss CUNNINGHAM. "Miss" Cunningham. I am an actress.

Mr. TAVENNER. I assume since you corrected me that your name, Miss Cunningham, is a professional name?

Miss CUNNINGHAM. That is correct.

Mr. TAVENNER. What is your true name?

Miss CUNNINGHAM. My true name is Sarah Cunningham Randolph.

Mr. TAVENNER. Will you tell the committee please what your principal stage credits have been?

Miss CUNNINGHAM. Well, let me see. Professionally I suppose the first thing I did was summer stock in Maine and in New York, and where I played a full season.

Mr. TAVENNER. In what plays were you in Maine and New York?

Miss CUNNINGHAM. Oh, dear, Kiss and Tell; Three Is a Family; Private Lives; Kind Lady; you know, the usual run of summer stock stuff.

Mr. BOUDIN. Mr. Chairman, I ask that no pictures be taken and you ordered that that be done, and now I have heard, and the committee has heard these clicks going on.

Chairman WALTER. I haven't noticed it.

Mr. BOUDIN. It has been perceptible to the average ear, and mine is worse than average. May I ask you to instruct the cameramen not to take pictures while my client is testifying?

Chairman WALTER. They know the rules.

Mr. BOUDIN. May I ask you to enforce it?

Chairman WALTER. I will enforce it.

Mr. TAVENNER. Have you also engaged in acting for Raphael Productions?

Miss CUNNINGHAM. Would you state that question again?

Mr. TAVENNER. Raphael Productions?

(Witness consulted with counsel.)

Mr. BOUDIN. Will you spell it?

Mr. TAVENNER. R-a-p-h-a-e-l P-r-o-d-u-c-t-i-o-n-s.

Mr. BOUDIN. You are confusing that with something.

Mr. TAVENNER. I think it is Rachael instead of Raphael. Does that clarify the matter?

Miss CUNNINGHAM. Yes, it certainly does, because I think that is the highlight of my career; it was when I was offered a lead in a play that was totally different from my tradition, and it was called The World of Sholem Aleichem, which was based on the writings of a famous Jewish writer who wrote in Yiddish.

Mr. TAVENNER. Who were the owners of that production, of that organization?

Miss CUNNINGHAM. I don't talk about people that I know, or don't know.

Mr. TAVENNER. I ask that the witness be directed to answer.

Chairman WALTER. I direct you to answer that question.

Miss CUNNINGHAM. All right, Mr. Walter, I will be glad to answer it, and I feel this is an infringement of my private life. Under the first amendment I am guaranteed the right of associations, or associate with whom I please, and under the fifth amendment I refuse also, and I invoke the privilege of the fifth amendment.

Chairman WALTER. You decline to answer the question for the reasons you have just stated?

Miss CUNNINGHAM. That is true.

Mr. TAVENNER. In what year were you engaged in The World of Sholem Aleichem?

Miss CUNNINGHAM. Let me see—I did a try-out production in the spring of 1953 and then it opened again in the fall of 1953, and we ran for 10 weeks into 1954.

Mr. TAVENNER. Was Morris Carnovsky an actor and producer in that play?

Miss CUNNINGHAM. I don't talk about people that I know or don't know, Mr. Tavenner.

Mr. TAVENNER. May I ask for a direction, please?

Chairman WALTER. I direct you to answer that question.

Miss CUNNINGHAM. Then I give the same answer based on the same answer that I gave before.

Mr. TAVENNER. Was Phoebe Brand also one of those engaged in the cast?

Miss CUNNINGHAM. I don't talk about people that I know or don't know, Mr. Tavenner, and if you want me to give the same reasons as before, Mr. Walter, I would be glad to. I invoke the fifth amendment.

Chairman WALTER. Do you decline to answer for the reasons that you give?

Miss CUNNINGHAM. That is right.

Mr. TAVENNER. Was Jack Gilford also one of those in the cast?

Miss CUNNINGHAM. I decline to answer based on the previous reasons that I have stated.

Mr. TAVENNER. Were you paid for your services?

Miss CUNNINGHAM. Yes, I was.

Mr. TAVENNER. Who paid you?

Miss CUNNINGHAM. I was under contract.

Mr. TAVENNER. Who paid you?

Miss CUNNINGHAM. The management.

Mr. TAVENNER. Who was the management?

Miss CUNNINGHAM. I think that you stated, Rachael Productions.

Mr. TAVENNER. By whom was the check signed in payment for your services?

Miss CUNNINGHAM. Well, I had better—I refuse to answer based on the fifth amendment.

Mr. SCHERER. I ask you to direct the witness to answer the question, Mr. Chairman.

Chairman WALTER. I direct you to answer that question.

Miss CUNNINGHAM. I decline to answer under the privilege of the fifth amendment.

Mr. TAVENNER. As an actress, I suppose you were a member of the American Federation of Television and Radio Artists.

Miss CUNNINGHAM. I was, and still am, because you have to be, if you intend to work in television and radio.

Mr. TAVENNER. Were you also a member of Actors Equity?

Miss CUNNINGHAM. That is my parent union, and I have been a member of Actors Equity.

Mr. TAVENNER. During what period of time were you a member of Actors Equity?

Miss CUNNINGHAM. Well, I think I got my first contract, as I said, professionally, in 1945.

Mr. TAVENNER. How long did your membership in Actors Equity continue?

Miss CUNNINGHAM. It continues to this day. I am paid up through November.

Mr. TAVENNER. I understood from your answer that there may be some question about your membership now in that organization.

Miss CUNNINGHAM. No, I said that I still am a member.

Mr. TAVENNER. Very well. Will you tell the committee, please, what knowledge you have, if any, of the existence within the Actors

Equity of a group of persons organized by the Communist Party as a Communist Party group?

Miss CUNNINGHAM. Do you really expect me to answer that question?

Mr. TAVENNER. I am very much in hopes that you will answer it. I hope that you will have enough courage to tell the committee what you know about communism in the field in which you are a specialist.

Miss CUNNINGHAM. I see. Well, I would like to use my courage in the way that I feel it takes more courage, and that is to tell you that I do refuse to answer this question because my folks signed the Declaration of Independence, and they fought in the American Revolution and settled this country, in the early 1770's in the South, and the tradition of my family has been that we do not defy—I am sorry, would you strike that from the record?

Chairman WALTER. You can read it, it is here.

Miss CUNNINGHAM. What I am trying to say is, because this is what I consider a very foul question, that we do not talk about any of our associations. My mother taught me that I had the freedom to think as I pleased and to go where I pleased, and to talk with whom I pleased, and to have any friend that I wished, and that no one had the right to question me about it.

I believe that I am carrying out the tradition of my ancestors by saying that I refuse on the basis of the first amendment, and I invoke the privilege of the fifth amendment.

Mr. TAVENNER. You are of the opinion then that your duty to remain silent is greater than any duty you may owe to your country to advise it of Communist Party activities which you may know about?

Miss CUNNINGHAM. I consider that the defense of the Constitution is my duty to my country.

Mr. TAVENNER. You have spoken of your stage credits. What about your television credits?

Miss CUNNINGHAM. Well, you can put those in a thimble.

I played an amazon on Buck Rogers once, and I was the weepy girl on Rocky King, and I was on Treasury Man, and I played the Cabbage Woman, they called it, and there may have been one or two others which I don't remember. It has been a long time ago.

Mr. TAVENNER. What are your credits in the field of radio?

Miss CUNNINGHAM. I have never done radio.

Mr. TAVENNER. What was your last employment in television?

Miss CUNNINGHAM. Well, may I say to the best of my knowledge, perhaps T-Men.

Mr. TAVENNER. What year was that?

Miss CUNNINGHAM. Let me see. I would have to look at my income tax records, and I don't know. I have a record of it, you know, and if you want me to go home and get it, you know.

Mr. TAVENNER. Oh, no, I wouldn't ask you to do that.

Chairman WALTER. Just to the best of your recollection.

Miss CUNNINGHAM. I really couldn't tell, it was probably somewhere in 1950, or maybe 1949, or maybe 1951.

Mr. TAVENNER. I understand you to state that you feel that your obligation to the Constitution is such that you cannot advise the committee regarding anything that the Communist Party may be endeavoring to do within your union. Am I correct in that?

Miss CUNNINGHAM. Is that an assumption, or what is it?

(Witness consulted with counsel.)

Mr. TAVENNER. Read the question, please.

(Whereupon the reporter read the pending question as above recorded.)

Miss CUNNINGHAM. You see, that is such a general question, and if you make a specific question, you know, I will endeavor to answer it.

Mr. WILLIS. I think he was trying to paraphrase your answer a little while ago.

Mr. TAVENNER. It is a repetition of her answer as I understood it.

You ask for a specific question, and I will ask you, have you been a member of the Communist Party during the period of time that you have been in Actors Equity, and in the American Federation of Television and Radio Artists?

Miss CUNNINGHAM. I refuse to answer that question. The fact that I am subpenaed here is jeopardizing my career, and it incriminates me, and it smears me, and I refuse to answer on the basis of the previous grounds of the first amendment, and I invoke the privilege of the amendment designed to protect the innocent, the fifth amendment.

Mr. TAVENNER. It would smear you only in the event you were not a member of that group.

Miss CUNNINGHAM. I beg to differ with you.

Mr. TAVENNER. Are you a member of the Communist Party now?

Miss CUNNINGHAM. The answer as I have given it before, pertains, and I invoke the amendment designed to protect the innocent, the fifth amendment.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Chairman WALTER. Are there any other questions?

The witness is excused.

The committee will stand adjourned to meet at 10 o'clock tomorrow morning.

(Whereupon, at 4 p. m., August 15, 1955, the committee recessed to meet at 10 a. m., Tuesday, August 16, 1955.)

INVESTIGATION OF COMMUNIST ACTIVITIES, NEW YORK AREA—PART VI

(Entertainment)

TUESDAY, AUGUST 16, 1955

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
New York, N. Y.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met at 10 a. m., pursuant to recess, in room 1703 of the Federal Building, Foley Square, New York, N. Y., Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representatives Walter, Willis, and Scherer.

Staff members present: Frank S. Tavenner, Jr., counsel; Donald T. Appell and Frank Bonora, investigators; and Thomas W. Beale, Sr., chief clerk.

Chairman WALTER. The committee will come to order.

Mr. Tavenner, call your first witness.

Mr. TAVENNER. Mr. Elliott Sullivan, will you come forward, please?

His counsel is not here, and if you will bear with us just a moment, please.

Chairman WALTER. We will wait a few minutes.

(Whereupon, a short recess was taken by the committee.)

Chairman WALTER. Will you raise your right hand, please, Mr. Sullivan?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SULLIVAN. I do.

TESTIMONY OF ELLIOTT SULLIVAN, ACCOMPANIED BY HIS COUNSEL, BELLA S. ABZUG

Mr. TAVENNER. Will you state your name, please, sir?

Mr. SULLIVAN. Elliott Sullivan.

Mr. TAVENNER. Will counsel accompanying the witness please identify herself for the record?

Miss ABZUG. Bella S. Abzug, 205 West 34th Street, New York.

Mr. TAVENNER. When and where were you born, Mr. Sullivan?

Mr. SULLIVAN. San Antonio, Tex., July 4, 1907.

Mr. TAVENNER. Will you spell your name, please, sir?

Mr. SULLIVAN. E-l-l-i-o-t-t S-u-l-l-i-v-a-n.

Mr. TAVENNER. Where do you now reside?

Mr. SULLIVAN. New York City.

Mr. TAVENNER. At what address?

Mr. SULLIVAN. 2 Peter Cooper Road.

Mr. TAVENNER. How long have you been a resident of New York City?

Mr. SULLIVAN. On and off since 1929.

Mr. TAVENNER. Will you tell the committee please what your profession or occupation is?

Mr. SULLIVAN. I am an actor.

Mr. TAVENNER. How long have you been engaged in the field of acting?

Mr. SULLIVAN. 26 years approximately.

Mr. TAVENNER. Will you tell the committee please what your formal educational training has been?

Mr. SULLIVAN. I graduated from high school, and I had one semester in college.

Mr. TAVENNER. When did you take that semester in college?

Mr. SULLIVAN. In 1925, I believe.

Mr. TAVENNER. Did you serve for a period of time in the Armed Forces of the United States?

Mr. SULLIVAN. I did.

Mr. TAVENNER. Will you tell the committee during what period of time you served in the Armed Forces?

Mr. SULLIVAN. From 1943 to 1945.

Mr. TAVENNER. Prior to 1943, will you tell the committee what your acting or stage credits were?

Mr. SULLIVAN. I started in the professional theater in New York in 1929, and I was in a passion play, a play called Lisistrata; First Mortgage; Red Rust; Green Grow the Lilacs; and a few others that I cannot recall. In Hollywood I appeared in over 80 motion pictures.

Mr. TAVENNER. When did your work in Hollywood begin?

Mr. SULLIVAN. In 1937, I believe.

Mr. TAVENNER. Were you in Hollywood continuously for a period of years beginning in 1937?

Mr. SULLIVAN. I was.

Mr. TAVENNER. Will you tell us for how long a period?

Mr. SULLIVAN. Until 1943 when I was drafted into the Army.

Mr. TAVENNER. Will you give us your screen credits during that period of time?

Mr. SULLIVAN. I recall several.

Mr. TAVENNER. That is, the major ones.

Mr. SULLIVAN. Kid Gallahad; They Won't Forget; Angels With Dirty Faces; Each Dawn I Die; Action in the North Atlantic; Slight Case of Murder; Wild Bill Hickok; Yankee Doodle Dandy; Bachelor Mother; Racket Buster; Trailer Romance; The Lady Gambles; So Young, So Fair; Guilty by Slander; Naked City; Winged Victory, which was the Army Air Force show which I was in, and I was also in the play, and the movie.

Mr. TAVENNER. For what producers did you work in Hollywood?

Mr. SULLIVAN. All of the major producers.

Mr. TAVENNER. That brings you up then to the period of 1943 when you went into the Armed Forces?

Mr. SULLIVAN. Yes, it does.

Mr. TAVENNER. You became a member of the Armed Forces and you returned in 1945?

Mr. SULLIVAN. That is right.

Mr. TAVENNER. Did you return to the Hollywood area, or did you return to New York?

Mr. SULLIVAN. To New York.

Mr. TAVENNER. How did you become employed when you returned to New York?

Mr. SULLIVAN. In the theater.

Mr. TAVENNER. In the theater, on the stage?

Mr. SULLIVAN. That is right.

Mr. TAVENNER. Will you tell the committee please what your major stage credits have been since 1945?

Mr. SULLIVAN. I was in a play called Shooting Star; Skydrift; Brigadoon; The Victim; King of Friday's Men; and perhaps another one or two that I can't remember. And in all of this I got these jobs because of talent and ability and not because of my political reasons.

Mr. TAVENNER. What do you mean when you say "political reasons"?

Mr. SULLIVAN. What I mean by that is that I think that this committee has changed the qualifications for acting, and I think they have substituted good standards of talent and ability with some sort of a political test.

Mr. TAVENNER. What did you mean by "political" assistance to obtain employment?

Mr. SULLIVAN. That is exactly what I mean.

Mr. TAVENNER. Did you mean Communist Party influence when you used the word "political," because the term has been so generally used by certain witnesses when referring to the Communist Party, that I want to know whether that is what you were referring to?

Mr. SULLIVAN. That is part of what I am referring to, Mr. Tavenner, but I am also referring to the fact that many other kinds of political shades of opinion have also been denied employment in the industry.

If you look through Red Channels you will see a great number of names there of people who are obviously not Communist Party members, and who have been denied employment because of the blacklist that this committee has helped to create.

Mr. SCHERER. Pardon me a moment. Who in this publication of Red Channels is not a Communist?

Mr. SULLIVAN. I don't know for a fact who is, but there are names in there like Howard K. Smith, and I forget now, but there are a great number of names whom I am sure you know too who couldn't possibly be Communists.

Mr. SCHERER. Which ones in there are Communists?

Mr. SULLIVAN. How would I know? I don't know that.

Chairman WALTER. Do you know any of them who are Communists?

(Witness consulted with counsel.)

Mr. SULLIVAN. I don't think that you have the right to ask me that question.

Mr. SCHERER. You volunteered the information.

Chairman WALTER. Just a moment. I direct you to answer that question.

Mr. SULLIVAN. I will answer it anyway, by saying that I challenge the right of this committee to ask me any question which has to do with my associations or with my thinking or with my personal beliefs and everything else that has to do with the first amendment.

Chairman WALTER. You were not asked about your beliefs at all, you were asked about your knowledge of certain people.

Mr. SULLIVAN. Well, it is obvious that this infers my beliefs, if you ask me if I know any of these people were Communist Party members.

Chairman WALTER. You said that you obtained your employment because of your ability and other things, and not because of your political beliefs. Do you mean by that that you got this employment not because you were a Communist, or in spite of the fact that you were a Communist? Is that what you mean?

Mr. SULLIVAN. It is obvious you are loading the question. I have given you my answer, and I don't think you have the right to ask me this question, sir.

Chairman WALTER. All right, then I direct you to answer that question.

(Witness consulted with counsel.)

Mr. SULLIVAN. What I said a moment ago was, that regardless of my political beliefs, I got these jobs, or this is what I meant to say.

Chairman WALTER. All right.

Mr. TAVENNER. What was the last stage credit that you referred to?

Mr. SULIVAN. I believe it was, King of Friday's Men.

Mr. TAVENNER. When was that staged?

Mr. SULLIVAN. In 1952 or 1953, I am not sure.

Mr. TAVENNER. Have you continued on the stage since that time?

Mr. SULLIVAN. No, I have not.

Mr. TAVENNER. Will you tell the committee please what your television credits have been?

Mr. SULLIVAN. Well, I have been on almost every major dramatic program on the air. I was on Big Story three times; I was on the Philco program a number of times; Goodyear; Robert Montgomery show; Comedy Hour; Pulitzer Prize Theater; Jack Carson's show; and I have worked for all of the major networks in television.

Mr. TAVENNER. How are you now employed?

Mr. SULLIVAN. I am employed at Wingdale Lodge.

Mr. TAVENNER. What is Wingdale Lodge?

Mr. SULLIVAN. It is a summer resort.

Mr. TAVENNER. By whom is it operated?

Mr. SULLIVAN. By Mr. Ken Friedman.

Mr. TAVENNER. Is he the director or manager of it?

Mr. SULLIVAN. Yes, sir.

Mr. WILLIS. Where is Wingdale Lodge located?

Mr. SULLIVAN. In Wingdale, N. Y.

Mr. TAVENNER. Is that a summer camp for both adults and children?

Mr. SULLIVAN. It is a sumer camp for adults that has a day camp for children for the accommodation of parents who have children.

Mr. TAVENNER. How are you employed at that camp?

Mr. SULLIVAN. I put on the shows there.

Mr. TAVENNER. How long have you been so employed?

Mr. SULLIVAN. Just for this summer.

Mr. TAVENNER. Have you been engaged in radio also?

Mr. SULLIVAN. Yes, I have.

Mr. TAVENNER. What credits do you have in that field?

Mr. SULLIVAN. Well I have only made about 75 radio shows over this period of time and I don't recall any specific ones.

Mr. TAVENNER. I will not ask you to go into detail, but what are some of your more recent appearances?

Mr. SULLIVAN. In radio?

Mr. TAVENNER. Yes.

Mr. SULLIVAN. I haven't appeared in radio in a number of years.

Mr. TAVENNER. What has been your most recent appearance in television?

Mr. SULLIVAN. On the Robert Q. Lewis show.

Mr. TAVENNER. When was that?

Mr. SULLIVAN. This last spring.

Mr. TAVENNER. I assume that having followed the profession that you have, both on the stage, and television and radio, it was necessary for you to become a member of various unions organized within those fields?

Mr. SULLIVAN. That is a correct assumption, yes.

Mr. TAVENNER. Which of the unions were you a member of?

(Witness consulted with counsel.)

Mr. SULLIVAN. Well, it is apparent, from the various aspects of the industry that I have been in, that I have to be a member of the various unions involved, and so it is a matter of public record but I do insist on challenging your right to ask me this question.

Mr. TAVENNER. May I have a direction?

Chairman WALTER. I direct you to answer the question.

Mr. SULLIVAN. I answer it in the way that I have before, that I believe you do not have the power to ask me questions regarding my associations.

Chairman WALTER. In view of the fact that the Supreme Court has handed down a rather decisive decision recently, I feel that it is my duty to warn you that you have taken an incorrect position and I again direct you to answer the question.

(Witness consulted with counsel.)

Mr. SULLIVAN. Well, it may be your opinion, Mr. Walter, that this is an incorrect position, but I am firmly convinced that the Bill of Rights was meant to mean what it says, and I insist on my right to challenge your right to ask me about my associations.

Mr. SCHERER. May I ask a question?

I understand you are not relying on the fifth amendment in refusing to answer the question asked you by Mr. Tavenner?

Mr. SULLIVAN. That is correct, but I don't want any inference from that.

Mr. SCHERER. I understand.

Mr. SULLIVAN. That I don't believe that the fifth amendment isn't one of the amendments in the Constitution.

Mr. SCHERER. But in refusing to answer this particular question of Mr. Tavenner, you are not relying on the fifth amendment.

Mr. SULLIVAN. I am not taking the position that I am refusing to answer this question, Mr. Scherer. I am answering it in this fashion. If you want to know specifically whether I am invoking my privilege under the fifth amendment, I am not.

Mr. SCHERER. That is all I want to know.

I think we should further say to this witness, at least it is the opinion of this member of the committee, that he is in contempt for refusing to answer this question.

Mr. WILLIS. I certainly concur in it.

Chairman WALTER. I don't think it makes any difference to him. So why tell him?

Mr. SULLIVAN. Of course it makes a difference to me, Mr. Walter, to be in contempt. Why do you say that?

Chairman WALTER. I was talking to Mr. Scherer.

Mr. SULLIVAN. I beg your pardon, I thought you were making a public statement and I thought it was in the record that it doesn't make any difference to me. Of course it makes a difference, and I have a wife and two children, and I am very anxious to work and this is a big waste of time as far as I am concerned. The harrassment that is involved in this is utter nonsense, and when you make a statement such as you don't think it makes any difference to me, I beg to differ with you very strongly about that. It makes a serious difference to my entire life, my appearance here, and I resent that remark.

Mr. TAVENNER. Mr. Sullivan, have you been active in the affairs of the American Federation of Television and Radio Artists?

(Witness consulted with counsel.)

Mr. SULLIVAN. Whether I have been active in my unions or not, again is a question which I believe to be an invasion of my personal right to associate with whom I please, and I will answer this question in this way but not under compulsion here.

Chairman WALTER. Just a moment, let us straighten this out.

Mr. SULLIVAN. That was a bad sentence, I agree.

Chairman WALTER. Now that we agree it is a bad sentence, let us go to something else.

Mr. SCHERER. I ask you to direct the witness to answer.

Chairman WALTER. He was about to answer it after he made that little speech, and he got off on the wrong foot, and now he is going to answer it.

Mr. SCHERER. Let us keep this record straight. Wait a minute, Mr. Tavenner.

Mr. TAVENNER. I don't believe the witness understands there has been a direction to answer. Maybe I misunderstood.

Mr. SCHERER. There has not been a direction.

Chairman WALTER. He started to answer the question and then got off on to something else. It was a bad sentence. Let us get around to this question. Have you been active in the affiairs of your union?

Mr. SULLIVAN. Is that the question now?

Chairman WALTER. Wasn't that the question, Mr. Tavenner?

Mr. TAVENNER. Have you been active in the affiairs of the American Federation of Television and Radio Artists?

Mr. SULLIVAN. Again, I respectfully submit that as far as I am concerned, I believe that that question invades my ability to associate with whom I please, and therefore I challenge your power to ask that question.

Mr. SCHERER. Mr. Chairman, I ask you to direct the witness to answer that question.

Chairman WALTER. I direct you to answer that question.

Mr. SULLIVAN. I do answer this question in the way I have just stated.

Chairman WALTER. All right. Is that your answer?

Mr. SULLIVAN. Yes, sir.

Mr. TAVENNER. Have you been active in the affairs of Actors Equity?

Mr. SULLIVAN. This is the same question again and I answer it in the same way.

Chairman WALTER. I direct you to answer that question.

(Witness consulted with counsel.)

Mr. SULLIVAN. Because I believe that the right to associate freely has been fought for and won in unions, I think that it would be my right or any other individual's right to associate with whom they please in unions, but I also believe as I have stated before, that this committee does not have the power to ask me questions relating to my associations.

Mr. SCHERER. You understand, Witness, that when the chairman directs you to answer a question, the committee is not accepting your answer and that is the reason for the direction to answer. Do you understand that?

Chairman WALTER. He understands, he is represented by counsel.

Mr. SULLIVAN. I don't know anything about the legalisms, and if this is what you mean, I suppose I will take it.

Miss ABZUG. The witness is giving his answers to the question.

Mr. SCHERER. The Supreme Court has said that it is the duty of this committee to say to the witness that we do not accept his answer, and it is the duty of this committee to inquire whether he understands what the direction of the chairman means, and that is the reason I made the statement.

Miss ABZUG. I can only say, Mr. Scherer, that there is no decision which holds that you do not accept an answer. You are raising a question as to whether he is answering the questions, and he is answering the question as he sees fit.

Chairman WALTER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Sullivan, the committee has received a great deal of evidence over a number of years that rank-and-file members, and those who are functionaries of the Communist Party are required by the Communist Party and expected by the Communist Party to take an active part in mass organization work.

Testimony has been received from a number of individuals that they have complied with that understanding and that directive by engaging in work of that type.

I want to ask you whether or not during the period of time that you have been a member of the American Federation of Television and Radio Artists and Actors Equity, whether you have been engaged in mass organization work of any character in response to advice or any understanding that you may have received from the Communist Party or its members.

Mr. SULLIVAN. If ever there was a loaded question, I just heard it, and I will repeat that the right of people to engage in union activity is one which I think by this time is inalienable, and I do not believe or rather I believe firmly that you do not have the power and the right to question me regarding my associations and my thought and my speech.

Mr. SCHERER. Again, Mr. Chairman, I ask you to direct the witness to answer the question.

Chairman WALTER. I direct you to answer the question.

Mr. SULLIVAN. I will answer the question by repeating that I challenge this committee's power because I believe its jurisdiction is limited, and I don't believe any branch of the Government can inquire into people's individual beliefs or opinions.

Chairman WALTER. Didn't you understand the question? Mr. Tavenner wasn't asking you about beliefs or opinions. He was asking you about activities.

Mr. SULLIVAN. Well, as far as I am concerned, I don't know how one can separate activities from beliefs. No one acts without belief.

Mr. TAVENNER. Are you acquainted with Jerome Robbins?

Mr. SULLIVAN. Yes, I know him. I used to know him. I will amend that definitely, I used to know him.

Mr. TAVENNER. Did you know him between 1944 and 1947?

Mr. SULLIVAN. I don't know what dates.

Mr. TAVENNER. You said you "used to know him," when did you cease to know him?

Mr. SULLIVAN. I am not sure about that.

Mr. TAVENNER. When he testified before this committee, is that what you have reference to?

(Witness consulted with counsel.)

Mr. SULLIVAN. I am sorry; will you repeat the question?

Mr. TAVENNER. You said that you have ceased to know him, and I am asking whether the time you ceased to know him began at the time he testified before this committee?

Mr. SULLIVAN. I would say that that is the case; yes.

Mr. TAVENNER. Now, my next question is, did you know him between 1944 and 1947?

Mr. SULLIVAN. It is possible that I did; yes. I mean those dates, it is possible in those dates I did.

Mr. TAVENNER. Did you attend Communist Party meetings with him?

Mr. SULLIVAN. You are asking me again a question which is involving my associates and beliefs and I challenge your right to ask it.

Mr. TAVENNER. I am speaking of your action and your conduct, and I am not asking you about your beliefs.

Mr. SULLIVAN. Well, that is a matter of opinion, and I believe that you are asking me about my beliefs and this is why I answer this question in this way.

Mr. TAVENNER. Mr. Robbins testified before this committee that you were a member of the group of the Communist Party of which he was a member, and in order to identify the matter a little further, another person in that group identified by Mr. Robbins was Lloyd Gough, also Jerome Chodorov, and Edward Chodorov, according to the testimony that he gave before this committee in New York, in 1953.

Were you a member of a Communist Party group in 1947 in the city of New York?

Mr. SULLIVAN. Again I repeat that this question is outside of your power to ask and that is how I answer that.

Chairman WALTER. I direct you to answer that question.

Mr. SULLIVAN. Well, it is almost no longer a question of my rights, but of your lack of power to ask it, to ask questions regarding the tenets within the first amendment.

Mr. WILLIS. As you said earlier, that is the amendment you are relying on throughout your testimony. You are not invoking the privilege of the fifth amendment in giving testimony against yourself?

Mr. SULLIVAN. That is correct, sir.

Mr. WILLIS. And throughout your testimony we may assume that that is the case without repetition?

Mr. SULLIVAN. Yes, you may.

Mr. TAVENNER. You told the committee that you went to Hollywood in 1937. Did you become a member of the Communist Party soon after your arrival or at any early date after your arrival in California or at any time while you were in California?

Mr. SULLIVAN. Again I challenge your right to ask this question as I have stated before.

Chairman WALTER. I direct you to answer the question.

Mr. SULLIVAN. Well my answer again is along the same lines. I will not violate my rights although I believe you are trying to violate my rights.

Mr. TAVENNER. Did you become acquainted with Martin Berkeley in California?

Mr. SULLIVAN. I knew Martin Berkeley; yes.

Mr. TAVENNER. Mr. Martin Berkeley testified before this committee in 1951 and he described the difficulty that had arisen in the Communist Party in California which necessitated the bringing of V. J. Jerome, then the cultural secretary of the Communist Party in New York City to California to straighten it out, and Mr. Jerome picked Mr. Martin Berkeley for the performance of certain services in connection with that work. He described a faction meeting of the Communist Party which, he said, Elliott Sullivan attended. He is also known as Ely Sullivan. Upon being asked what his occupation was, his reply was that he is an actor.

Did you attend any faction meeting of the Communist Party which was attended by Mr. Martin Berkeley?

Mr. SULLIVAN. I will repeat my challenge to this committee that it does not have the right to ask me questions regarding my associations and I will say further that the long, tired list of men and women who have appeared before this committee who in my opinion have sold their honor and dignity and in fact the best traditions of American life for a mess of pottage, for a job, for a movie contract, I believe all of these people will be judged and are being judged today by the decent people in this country.

Mr. SCHERER. You are referring to the witness Berkeley, whose testimony Mr. Tavenner referred to, are you not?

Mr. SULLIVAN. I am referring to him along with others.

Mr. SCHERER. Along with others?

Mr. SULLIVAN. Yes.

Mr. SCHERER. Is anything that Mr. Berkeley told this committee under oath about you false? In other words, did he lie to this committee, Mr. Sullivan?

Mr. SULLIVAN. I will challenge your right to ask me that question, Mr. Scherer.

Chairman WALTER. Mr. Scherer's question is whether or not Mr. Berkeley's testimony was true or false.

(Witness consulted with counsel.)

Mr. SULLIVAN. I merely repeat what I have said before.

Mr. SCHERER. I ask you to direct the witness to answer the question.

Chairman WALTER. I direct you to answer the question.

Mr. SULLIVAN. What was the question?

Chairman WALTER. Was the testimony of Martin Berkeley, adduced by this committee, true or false?

Mr. SULLIVAN. I also believe that you do not have the right to ask me this question.

(Witness consulted with counsel.)

Mr. SULLIVAN. I do not believe that you have the power to ask me this question any more than you had the power at the time to ask him those questions.

Chairman WALTER. But we had the power and the authority to ask him those questions, and the only difference between you and Berkeley is that he answered them and you won't. That is the only difference.

Mr. SULLIVAN. I insist that I am answering your questions to the best of my ability.

Mr. SCHERER. Mr. Sullivan, you attacked Mr. Berkeley and I am saying this to you. He was under oath when he testified before this committee and you are under oath, and if you say to us now that the man whom you attacked lied about you, then I am going to ask that the testimony of Berkeley and your testimony be referred to the Department of Justice, and we can ascertain whether Berkeley lied. You have the opportunity now to say whether this man whom you attacked lied.

(Witness consulted with counsel.)

Mr. SCHERER. Here is your opportunity.

Mr. SULLIVAN. Because I am firm in my belief that you do not have the power to ask me any question regarding my associations, I will certainly not engage in any discussion with you under compulsion on this question.

Chairman WALTER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Will you tell the committee whether or not V. J. Jerome interposed in any activities of Communist Party groups in the city of New York to your knowledge?

Mr. SULLIVAN. I will again say that you are asking me questions that have to do with the area of freedom of speech and of association and I will answer that question in that way.

Mr. TAVENNER. May I have a direction?

Chairman WALTER. I direct you to answer that question.

(Witness consulted with counsel.)

Mr. SULLIVAN. I answer that in the same way, sir.

Mr. TAVENNER. Were you employed by the Federal Theater project?

Mr. SULLIVAN. No, sir.

Mr. TAVENNER. At any time?

Mr. SULLIVAN. No, sir.

Mr. TAVENNER. Were you acquainted with V. J. Jerome?

Mr. SULLIVAN. Again whether I was acquainted with V. J. Jerome or anyone else I believe is a question that invades my associations.

Mr. WILLIS. He volunteered acquaintanceship with other witnesses.

Chairman WALTER. I direct you to answer that question.

Mr. SULLIVAN. I answer it in the same way, sir.

Mr. TAVENNER. Were you acquainted with Mr. Lee J. Cobb?

Mr. SULLIVAN. Yes, I was.

Mr. TAVENNER. Where did you know him, in California, or New York, or both?

Mr. SULLIVAN. In California.

Mr. TAVENNER. Mr. Cobb testified before this committee that you and certain other persons were members of the same Communist Party group that he was a member of. Will you tell the committee whether or not you were a member of the Communist Party group of which Mr. Cobb was a member?

Mr. SULLIVAN. Mr. Cobb is among those on the shameful list of people who have given testimony——

Chairman WALTER. Let me get this straightened out. These people whom you have called shameful have made great contributions to the preservation of this Republic and these people have recognized the mistakes that they have made, and they have testified in closed and open session before this committee. I think they are deserving, and are receiving the credit from the vast majority of the American people.

Mr. SULLIVAN. Not from the papers I read, Mr. Walter.

Chairman WALTER. If you stop reading the Daily Worker, maybe you will find out the truth.

Mr. SULLIVAN. I beg your pardon?

Chairman WALTER. Proceed, Mr. Tavenner.

Mr. SULLIVAN. Since you raised that point, I am talking about the many, many columnists and editorials in this country that have begun to denounce professional informers.

Chairman WALTER. You hope. Proceed, Mr. Tavenner.

Mr. TAVENNER. Were you acquainted with George Tyne, also known as Buddy Yarus, while you were in California?

Mr. SULLIVAN. I know Mr. Tyne, and I am not sure whether it was in California or here.

Mr. TAVENNER. Were you acquainted with Victor Killian?

Mr. SULLIVAN. Yes, I was.

Mr. TAVENNER. While you were in California?

Mr. SULLIVAN. Yes, I was.

Mr. TAVENNER. Were either or both of those persons members of the Communist Party group with you in California?

Mr. SULLIVAN. Again you are asking me a question which has to do with my associations, and I do not believe you have the power to do so.

Chairman WALTER. You say you did know this man Killian, is that correct?

Mr. SULLIVAN. Yes, I did know him.

Chairman WALTER. Did you know V. J. Jerome?

Mr. SULLIVAN. Well, whether I knew him or not I believe again is a question which I have raised before, and I have answered it.

Mr. TAVENNER. Will you tell the committee if you know what the Communist Party was endeavoring to accomplish in Hollywood within the moving picture industry at the time that you were there and at the time that you were a screen actor?

Mr. SULLIVAN. I take it that this question results from the stated purposes of this committee in its investigation in New York, in 1955?

Mr. TAVENNER. There doesn't seem to be as much distance between New York and Hollywood as geography would indicate.

Will you please answer the question?

Mr. SULLIVAN. Well time certainly indicates there is a lot of difference.

(Witness consulted with counsel.)

Mr. SULLIVAN. I insist that the question is not pertinent, and again I will say to you that I challenge your right, and I do not believe you have the power to ask me this question because it involves the individual guaranty under the Bill of Rights.

Mr. TAVENNER. Mr. Robbins in his testimony, which I referred to a moment ago, said that he was in a theatrical transient group of the Communist Party here in New York between 1944 and 1947. Will you tell the committee, if you know, what the Communist Party was endeavoring to do in the theater?

Mr. SULLIVAN. Well, whether I know or not, again I believe is in the area of private opinion and private thought, and I again say that I do not believe this committee has the power to invade that area with questions.

Mr. TAVENNER. Will you tell the committee what the Communist Party was endeavoring to do within the American Federation of Television and Radio Artists?

Mr. SULLIVAN. I again repeat my same answer.

Mr. TAVENNER. Mr. Sullivan, were you acquainted with Nicholas Bela?

Mr. SULLIVAN. Yes, I am ashamed to say that I have been.

Mr. TAVENNER. Are you ashamed to say that because he told this committee facts within his knowledge?

Mr. SULLIVAN. I am ashamed to say it because I believe he is one of those people, I know he is one of those people who has lost his dignity.

Mr. SCHERER. Is he one of those who testified so that he could get a job or some personal preferment?

Mr. SULLIVAN. There must be something at stake of that sort, for a man to lower himself to that extent.

Mr. SCHERER. You people talk about witnesses being smeared. You are smearing this man by claiming that he perjured himself for some personal advancement, isn't that what you are doing?

Mr. SULLIVAN. Well, the worse smear is a word which is used by people for different reasons.

Mr. SCHERER. You have smeared three witnesses who have testified before this committee.

Mr. SULLIVAN. I don't think I have. If I have smeared them, I don't think it is not merely that I am making this characterization of these people, but I believe many hundreds of thousands of people do.

Mr. SCHERER. Isn't it a fact that you have stated that they testified falsely and that is perjury, because of some personal advantage that they would get?

Mr. SULLIVAN. I don't think the ultimate outcome or I don't believe the ultimate judgment is going to be either yours or mine, Mr. Scherer, frankly, and I think it is going to depend upon what the American people feel about people like this.

Mr. SCHERER. That isn't my question. My question was, isn't it in effect that you have charged these people with perjury, and haven't you smeared these three former associates with you in the Communist Party?

Mr. SULLIVAN. I don't know what the definition of "perjury" is, but I do know what the definition is of an "informer."

Chairman WALTER. Did they testify falsely when they said that you were a member of a Communist group with them?

(Witness consulted with counsel.)

Mr. SULLIVAN. That isn't pertinent to my position, Mr. Walter, and I believe that you do not have the right to ask me this question.

Mr. SCHERER. I just think we should make it clear, Mr. Chairman, from time to time, who is smearing whom.

Chairman WALTER. I think it is perfectly obvious.

Mr. TAVENNER. Bela in the course of his testimony before this committee identified Elliott Sullivan, an actor, as a person known to him to be a member of the Communist Party.

Was his testimony true or false?

Mr. SULLIVAN. Again I repeat, sir, that this man has forsaken his conscience and has given testimony true or false for undignified reasons.

Mr. TAVENNER. My question is, was his testimony true or false?

Mr. SULLIVAN. I said regardless of what kind of testimony he gave, whether it was true or false, I believe that this man has forsaken his conscience.

Mr. TAVENNER. Was his testimony true or false?

Mr. SULLIVAN. I am not going to answer. I will answer that question by telling you again that the question is intended to determine what my beliefs are, and there is no power under this Government that can do that.

Mr. SCHERER. I ask you to direct the witness to answer.

Chairman WALTER. I direct you to answer that question.

Mr. SULLIVAN. I will tell you again, Mr. Walter, and as strongly as I know how, as a human being, that I do not believe that there is any branch of our Government that the very foundation of our Government, the rockbottom pinnacle, or whatever you want to call it, the basis of our democratic Government depends precisely on this very point, that people may not, or no branch of the Government may invade the individual rights of freedom of speech or association.

Chairman WALTER. Do you suppose that this subcommittee, with its distinguished counsel, who prosecuted Tojo in Japan, would ask a question if he thought it was an improper question? Now, you feel as strongly as you do about it, and I feel as strongly as I do about it, and there is only one way to find out, and I assure you that you will be given that opportunity if I have anything to do with it.

Mr. SULLIVAN. What are you implying, Mr. Walter?

Chairman WALTER. I am not implying anything, I am just indicating to you that in my judgment you are in contempt, and I will ask the subcommittee to recommend to the full committee that you be adjudged in contempt, and I will ask the Congress of the United States to pass on such a resolution. We can find out whether or not the arm of Government that is charged with the responsibility of protecting its citizens from subversives has a right to ask the kind of questions and the only questions which will throw light on the conspiracy that we believe you have been a party to.

Mr. SULLIVAN. Well, you are making an accusation, Mr. Walter.

Chairman WALTER. Well, were you?

Mr. SULLIVAN. I beg your pardon?

Chairman WALTER. I say have you been a member of the Communist conspiracy, or the Communist Party?

Mr. SULLIVAN. You don't have the right to ask me that question, because it is not a pertinent question, and it is a question that has to do again, as I say, with my personal beliefs, whether I was or I wasn't.

Miss ARZUG. I would like to suggest, Mr. Walter——

Chairman WALTER. You advise your client, and not me.

Proceed, Mr. Tavenner.

Mr. SULLIVAN. I want this straight for the record, that I am not a conspirator, and that I have committed no crime, and I believe that in your statement a moment ago that you made some sort of an inference to that effect, and I resent it.

Chairman WALTER. I didn't mean to make an inference, I was stating it as plainly as I could, that in my opinion you were a member of the Communist conspiracy.

Mr. SULLIVAN. Didn't you say I was going to have the opportunity? What is contained in a phrase like that, if there isn't some kind of an implied threat?

Chairman WALTER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Sullivan, you have not seen fit to deny or explain this testimony which very positively identified you as having been a member of the Communist Party. If that testimony be accepted as trustworthy, then during the period of time that you were a member of the American Federation of Television and Radio Artists, and during the time that you were a member of the Actors Equity, you were in a position to know what Communist Party activities were going on, if any were going on, within those organizations.

What were the activities of the Communist Party within those groups?

Mr. SULLIVAN. I will tell you again, and I respectfully submit that I do not believe that you have the power to ask me such a question, because it has to do with my associations, and if this is true there would be no reason why you wouldn't be able to ask me about my religion, and about many other kinds of things.

Chairman WALTER. I direct you to answer the question, Mr. Sullivan.

Mr. SULLIVAN. I answer that question by telling you that I do not believe that you have the power to inquire into personal and private affairs of individuals and I want to say furthermore——

Mr. TAVENNER. Therefore do you refuse to answer the question?

Mr. SULLIVAN. I am not refusing to answer the question.

Mr. TAVENNER. Then answer it.

Mr. SULLIVAN. I did answer it.

Mr. TAVENNER. No: you are explaining, and you are endeavoring to avoid answering the question.

Mr. SULLIVAN. Well, it is a matter of opinion.

Mr. TAVENNER. Then let me rephrase the question, and put it more directly.

Did you ever attend a caucus meeting of members of the Communist Party within the American Federation of Television and Radio Artists?

Mr. SULLIVAN. My answer to that question is that I do not believe you have the power to ask me.

Mr. TAVENNER. And therefore you won't answer.

May I ask for a direction?

Chairman WALTER. I direct you to answer the question.

(Witness consulted with counsel.)

Mr. SULLIVAN. I state again that I believe that this committee does not have the right under the first amendment to ask me questions which I believe violate my own personal thinking on this matter, the matter of association.

Mr. TAVENNER. I have before me a photostatic copy of the July 31, 1952 issue of the Daily Worker, which shows an advertisement under the auspices of the National Council of Arts, Sciences, and Professions. There was a meeting referred to as Peace and Presidential Candidates. Those engaging in the program, or among those engaged were Howard DaSilva, Morris Carnovsky, and Elliott Sullivan. Do you recall the occasion?

Mr. SULLIVAN. I do not, no.

(A document was handed to the witness.)

Mr. TAVENNER. Will you examine the document, please, and state whether in the performance of your part of that program you were carrying out a Communist Party function?

(Witness consulted with counsel.)

Mr. SULLIVAN. Was your question whether or not I remembered this now?

Mr. TAVENNER. No; my question was if that advertisement refreshed your recollection, would you tell the committee please whether while engaged in that program you were carrying out what you considered to be a Communist Party function?

Mr. SULLIVAN. I remember being present on this occasion here, and I have certainly no recollection of having carried out any Communist Party ideas or whatever it was you said, and despite that however, I still do not believe that you have the right to ask me this question.

Mr. TAVENNER. I have before me a copy of the May 5, 1947 issue of the Daily Worker, advertising a Carnival-Bazaar, under the auspices of the National Council of American-Soviet Friendship, in which Phil Leeds, Elliott Sullivan, George Keane, and others took part.

Will you examine the document, please, and state whether or not in that instance you were carrying out a Communist Party function?

(A document was handed to the witness.)

(Witness consulted with counsel.)

Chairman WALTER. The committee will stand in recess for 10 minutes.

(A brief recess was thereupon taken by the committee.)

Chairman WALTER. The committee will be in order.

Mr. TAVENNER. Was there a question pending?

(Whereupon the reporter read the pending question as above recorded.)

Mr. SULLIVAN. In answer to this question, all of these questions which you have been asking me, and which I assume you will be asking me, are in the area of my associations, of where I entertained, and what I do as an individual, and I will say now, as I have all morning been answering these questions, that I will answer all of these questions in the same way. That is to say that my understanding of

this form of government and our democracy is that this committee or any other committee like it, has the right or the power to ask me such questions.

Mr. TAVENNER. May I have a direction?

Chairman WALTER. I direct you to answer that question.

Mr. TAVENNER. The committee does not accept your reason for your refusal to answer, and you are now being directed to answer the question.

Mr. SULLIVAN. I don't take the position that I am refusing to answer your questions. I am taking the position that I am answering your questions to the very best of my ability and my answer to the directed question is again that I do not believe that this committee has the right and the power and that it should not assume such right to ask me questions which are enunciated under the first amendment of the Bill of Rights.

Chairman WALTER. Because you believe that we have no authority to ask these questions, you decline to answer them, is that right?

Mr. SULLIVAN. I am not declining to answer, Mr. Walter. I am answering.

Mr. SCHERER. Obviously the witness is declining to answer, and just giving reasons for refusal to answer.

Mr. TAVENNER. It is a statement by the witness which is not a factual reply to anything that I have asked.

Chairman WALTER. That is right. Go ahead and ask another question.

Mr. TAVENNER. The National Council of American-Soviet Friendship under the auspices of which this entertainment was conducted has been cited as a Communist-front organization, and as I mentioned to you in the early part of your testimony, numerous witnesses have told us that it was part of the function and duty of the Communist Party members to assist mass organizations which are considered front organizations.

I want to ask you whether or not in addition to your performing this service for the National Council of American-Soviet Friendship you were in any way affiliated with it.

Mr. SULLIVAN. I have tried to make clear as firmly as I know how that this question is one of those which falls into the area of free association and free beliefs.

Mr. TAVENNER. Do you know the purposes for which the money to be derived by the National Council of America-Soviet Friendship was to be used, that is the money from this particular benefit?

Mr. SULLIVAN. Whether I know or not, again I do not believe you have the right to ask me this question.

Mr. TAVENNER. Did you receive any compensation for your services to the National Council of American-Soviet Friendship in this performance?

(Witness consulted with counsel.)

Mr. SULLIVAN. In this instance I don't recall whether I received any compensation or not, and despite this fact, however, I again repeat the same answer that I have been trying to give you all morning.

Mr. TAVENNER. Did you ever receive compensation from the National Council of American-Soviet Friendship for any services performed by you for it?

Mr. SULLIVAN. Again I say that whether I did or not is one of those kinds of questions which invades my private affairs and my ability to associate with whom I please and entertain where I please, and say what I please.

Mr. TAVENNER. I have before me a photostatic copy of an excerpt from the October 6, 1949, issue of the Daily Worker which states "You play an important part in the Case of the Loaded Mike, with Jack Gilford, Elliott Sullivan, and certain other persons," produced by Voice of Freedom Radio Division, NCASP, which is the National Council of the Arts, Sciences and Professions, Committee for the Negro in the Arts.

Will you examine it please and state whether or not you recall that you took part in that program?

Mr. SULLIVAN. Mr. Tavenner, I don't want to examine it.

Mr. TAVENNER. Do you recall it without examining it?

Mr. SULLIVAN. I recall having appeared to entertain on a number of occasions in 26 years, in many, many different areas, for many, many different causes and reasons.

Chairman WALTER. Do you remember that particular occasion?

Mr. SULLIVAN. My basic point here is that I do not believe——

Mr. TAVENNER. Let us be specific.

Mr. SULLIVAN. You don't have the right to inquire into my personal behavior, and this is what I am trying to make very clear, that I believe it is beyond the function of this committee, and I believe that it is beyond the recognized limitations of its investigative function.

Mr. TAVENNER. The Committee for the Negro in the Arts is an organization which has been cited by the Attorney General of the United States as subversive, and I want to ask you to state under what circumstances you were induced or submitted your efforts in its behalf or contributed your efforts in its behalf.

Mr. SULLIVAN. As I remember the stated purposes of the Committee for the Negro in the Arts, it was to the effect that they attempted to get jobs for Negro artists and was successful to a certain extent in doing so, and in giving auditions for Negro artists and having concerts and in making it possible for Negro artists to obtain jobs.

I was very happy and proud to help in this effort, but I again repeat that I do not believe that you have the power to ask me questions about my associations.

Mr. TAVENNER. You have stated very emphatically that it was the stated purpose of this organization to do certain very laudable things. What other purposes were there for the organization of this group?

Mr. SULLIVAN. I don't know of any other purposes, Mr. Tavenner.

Mr. TAVENNER. You are aware of the fact that it has been cited by the Attorney General and is on his subversive list; are you not?

Mr. SULLIVAN. I have read that list many times, that long list of organizations that have been cited, yes. I am aware of it.

Mr. TAVENNER. Were you a member of the Committee for the Negro in the Arts?

Mr. SULLIVAN. It is possible that I may have been a member of it. I am not sure, but again I insist that you don't have the right to ask whether I was or not.

Mr. TAVENNER. Were your services contributed to that organization as a result of what you considered to be your duty as a member of the Communist Party?

Mr. SULLIVAN. The question has a great deal of inference in it, and I again repeat to you that you are asking me a question that has to do with my personal beliefs, and I will repeat that I do not believe that you have the power to do so.

Mr. TAVENNER. You said that I have made an inference. I haven't made an inference at all. I have reviewed testimony of numerous witnesses stating that you were a member of the Communist Party. You have not seen fit to deny it or to explain it. You have remained mute on that subject, and there is no inference that can be drawn other than the fact that you were a member of the Communist Party.

Mr. SULLIVAN. Well, that is your inference and you are welcome to it, but I don't happen to agree that that is true.

Mr. TAVENNER. It is not true that you were a member of the Communist Party?

Mr. SULLIVAN. I didn't say that; I said that it is not true that your definition of that inference—I don't agree with that; that is what I am saying.

Mr. TAVENNER. I shouldn't have used the term "inference"; it is a conclusion.

Mr. SULLIVAN. Simply because you ask a number of questions and I am answering them to the best of my ability, based on what I believe to be in the best interests of furthering the Bill of Rights, I don't think that you have the right to infer from this that my denial or acquiescense to the question has any inference to it.

Chairman WALTER. I think there is a misunderstanding here. It was not the inference that was drawn from your failure to answer questions, but because of the sworn testimony of a number of people concerning your Communist activities.

Mr. SULLIVAN. Mr. Walter, I don't have any respect for the sworn testimony of informers.

Chairman WALTER. Whether you have or you have not, there it is, and these are reputable people in the profession.

Mr. SULLIVAN. They are reputable in some people's eyes, but not in mine.

Chairman WALTER. I can understand that, too.

Proceed, Mr. Tavenner.

Mr. TAVENNER. You have told the committee that you are a director at a summer camp. What is the name of that camp again?

Mr. SULLIVAN. Wingdale Lodge.

Mr. TAVENNER. Where is it located?

Mr. SULLIVAN. In Wingdale, N. Y.

Mr. SCHERER. Whom did you say was the director of that camp?

Mr. SULLIVAN. Mr. Friedman.

Mr. SCHERER. What is his first name?

Mr. SULLIVAN. Kenneth.

Mr. SCHERER. Wasn't he the director of Camp Wyandotte last year?

Mr. SULLIVAN. He may have been.

Mr. SCHERER. You know that as a matter of fact, do you not?

Mr. SULLIVAN. I don't know for sure whether he was or not, and I heard that he was.

Mr. SCHERER. Camp Wyandotte is the camp that was closed by the State of New York for subversive activities, was it not?

Mr. SULLIVAN. Is this part of the stated purposes of this committee, Mr. Scherer, really in 1955, to find out what is going on in the theater here, as to whether a camp was closed by the State or not?

Mr. SCHERER. I am asking you the question. Is that not a fact? You know that to be a fact, do you not?

Mr. SULLIVAN. Don't put words into my mouth.

Chairman WALTER. Do you or don't you? Do you know whether that camp was closed by the State of New York?

Mr. SULLIVAN. I don't know that for a fact, whether it was or not. I know that there has been some investigations around with these camps, but that is all I know about it.

Mr. SCHERER. You haven't heard that fact, that Wyandotte was closed?

Mr. SULLIVAN. I may have, and I am not denying that I haven't heard it, and I am merely saying I don't know it now for a fact, and I can't tell you for a fact.

Mr. SCHERER. You have discussed it with Ken Friedman, have you not?

Mr. SULLIVAN. I discussed what with Friedman?

Mr. SCHERER. The closing of Wyandotte, and the investigation.

Mr. SULLIVAN. I don't recall any discussions I have had with him him about this.

Mr. SCHERER. Do you deny that you had any discussions with Friedman?

Mr. SULLIVAN. I am saying I do not recall ever having any discussions with him.

Mr. SCHERER. You don't deny that you did have discussions, though?

Mr. SULLIVAN. Are you insisting on the answer to that question, Mr. Scherer?

Mr. SCHERER. Yes.

Mr. SULLIVAN. I just answered it a moment ago, and why are you repeating it again?

Mr. SCHERER. Evidently the question hurt.

Mr. TAVENNER. Was Camp Wingdale known by any other name?

Mr. SULLIVAN. Wingdale Lodge, are you referring to?

Mr. TAVENNER. Yes.

Mr. SULLIVAN. It had been known as Camp Unity before this.

Mr. TAVENNER. Is that one of the camps upon which a considerable mortgage was held by the IWO and which in the proceedings brought by the State of New York, the mortgage was assigned to the State of New York?

Mr. SULLIVAN. I am an employee at Wingdale Lodge this summer. I happen to know that this used to be a camp known as Camp Unity, and this is all I know about it.

Mr. TAVENNER. Is it the same camp that was involved in the proceedings brought by the State of New York against the IWO?

Mr. SULLIVAN. I don't know.

Mr. TAVENNER. Have you heard that it was the same camp from any of the operators or any other persons connected with the camp?

Mr. SULLIVAN. I did not.

Mr. TAVENNER. The committee has seen an advertisement of a program put on by you at this camp this summer in which Lloyd Gough was one of the performers. Is the advertisement correct in stating

that he was engaged in the entertainment work with you at this camp on one occasion?

Mr. SULLIVAN. That is correct.

Mr. TAVENNER. Is this the same Lloyd Gough with whom you became acquainted in California?

Mr. SULLIVAN. I don't know where I became acquainted with Lloyd Gough, and I believe it was in New York.

Mr. TAVENNER. You told us earlier in your testimony that you were acquainted with Lloyd Gough in California.

Mr. SULLIVAN. I was acquainted with him there, and I thought that your question was where I had first met him.

Mr. TAVENNER. I understand. But you did know Mr. Lloyd Gough while you were in California?

Mr. SULLIVAN. Yes.

Mr. TAVENNER. Did you select him for this entertainment?

Mr. SULLIVAN. I recommended him as one of a number of people that could be hired for this job.

Mr. TAVENNER. Were you influenced in that decision by your Communist Party association with him in California?

Mr. SULLIVAN. I was influenced by selecting him because he is a very fine entertainer and he sings delightfully funny songs, and I thought it would please the audience at Wingdale Lodge, and this is why he was selected, and this is why all of the entertainers at Wingdale Lodge are selected, because of their ability, and talent to perform, and they don't have to pass any political test or have to know anybody to get the job there.

Mr. TAVENNER. Again you have used the phrase, "passing a political test."

Mr. SULLIVAN. Because you a moment ago asked me whether or not he had to pass some sort of a political test which you enunciated, and I am telling you very firmly that he was chosen because of his talent to perform, as are all of the people there.

Mr. TAVENNER. The testimony has shown here, which you have not denied, and which you have refused to answer any question about it, that you and Lloyd Gough were members of the same group of the Communist Party in California. We find the two of you together in an entertainment project at this particular camp, Camp Wingdale, in New York State.

Mr. SULLIVAN. It almost sounds like a mystery novel, doesn't it?

Mr. TAVENNER. We want to know the facts.

Chairman WALTER. It is not a mystery to us, but it may be to you.

Mr. SULLIVAN. What do you want me to say to this? I have known hundreds of entertainers for the past 26 years, of all shades of political opinion, and it has never been a question as to a person's politics as to their ability to perform. If you spent a little more time around the theater, I think that you would discover that.

Mr. TAVENNER. As the director of the camp, the responsibility of hiring those who take part in their entertainment is yours, is it not?

Mr. SULLIVAN. In the first place, I am not the director of the camp. I am the director of the stage shows there.

Mr. TAVENNER. You are director of the entertainment there, are you not?

Mr. SULLIVAN. That is right. It is different from being the director of the camp.

Mr. TAVENNER. Yes, and if I said that, I didn't mean to say it.

Mr. SULLIVAN. As such I do recommend people for jobs there, and the manager hires them, if he feels my recommendations are O. K.

Mr. TAVENNER. Have you used Jack Gilford in any of the entertainments you have conducted there?

Mr. SULLIVAN. I certainly did. He is one of the finest comedians in America.

Mr. TAVENNER. And Pete Seeger?

Mr. SULLIVAN. I did, and a great singer.

Mr. TAVENNER. The committee is informed that during the July weekend you took part in a skit involving a dialog regarding a copy of the Bill of Rights. According to the committee's information, it consisted of only a few lines. You are represented as coming on the stage, and saying "Want to buy a copy of the Bill of Rights?"

Another individual says "How much?"

And you say "Two bucks".

The man says "I will take it for a dollar."

Then each of you go through the act of passing money and paper and arresting each other.

Was that not a very unusual type of a skit to present to a summer camp? What was the purpose of it?

Mr. SULLIVAN. The purpose was to entertain an audience there by satirizing a condition which exists in this country today, and I believe the best musical theater of the past has always been the kind which has satirized current events. In my estimation this sketch falls into that category. The fact that you are asking me about a 2-minute sketch that takes place 80 miles away from New York would lead me to believe that there is some censorship notions about your raising the question. Is it your province to examine material that goes on the stage anywhere, and to comment on it in such a way that it may discourage people from making comments about things that go on today?

This again seems to me to be contrary to the stated purposes of this committee, and it very clearly indicates what I have said in my statement here that this committee encourages censorship, and it encourages fear to produce this kind of material. In my estimation this is as good a piece of American theater as you could possibly get. It presents two men who are selling the Bill of Rights to each other, and then the minute each of them buy it, they disclose themselves as being members of the FBI, or some other Government agency, and they arrest each other. Of course, this is exaggerated, but such is the nature of humor on the stage. However, it is not terribly exaggerated when you consider the fact that a newspaper reporter some time ago attempted to get signatures to the very Bill of Rights itself, and out of 125 people, I believe, he succeeded in getting one signature, and the rest were afraid to sign it or considered him to be some sort of a subversive, as several of them actually said.

On another occasion in California, some years ago, a man attempted to read the Bill of Rights on a soap box in an open square there, and he was arrested for doing so.

Mr. TAVENNER. But he wasn't arrested for reading the Bill of Rights, he was arrested for some violation of a local statute in appearing there.

Mr. SULLIVAN. What violation was that?

Mr. TAVENNER. I don't know, but certainly is was not for reading the Bill of Rights.

Mr. SULLIVAN. Are you sure that was it?

Mr. TAVENNER. But you don't know, and you are not sure.

Mr. SULLIVAN. This is what was said in the papers, and while I don't always believe what is said in the papers, I believed this. I believed at least that it was possible, that is what I mean. That is this condition in this country and there is no use denying it, everybody knows it, and people are afraid to sign petitions, and people are afraid to do things because this committee has helped to create this kind of an atmosphere.

Mr. SCHERER. My experience is just the opposite. People are willing to sign any kind of petition, and we get them every day in Congress, hundreds of petitions. Many people don't know what they are signing.

Mr. SULLIVAN. You mean that you are getting more signatures today on petitions than you did in the past? Is that what you are saying?

Mr. SCHERER. I am saying that we get petitions every day in Congress.

Mr. SULLIVAN. I didn't say that there isn't anyone in the country who is afraid, or every one is afraid, I said more and more people are, Mr. Scherer.

Chairman WALTER. If I understand what you mean then, I feel that this committee has really accomplished something.

Mr. SULLIVAN. It is a matter of opinion, Mr. Walter, whether the committee has accomplished anything or not. I think it has accomplished a good deal in the area of creating intimidation and helping to further the blacklist, and now an example of the encouragement toward censorship. The theater has always fought censorship in every form.

Chairman WALTER. So have all of us.

Go ahead, Mr. Tavenner.

Mr. TAVENNER. You have not come to the point about this skit at all. What was the idea in having the skit represent the sale of the Bill of Rights for $2, and then settling for half price? Isn't that a form of ridicule of the Bill of Rights, and if so, what was the purpose of it?

Mr. SULLIVAN. You are taking a couple of words or lines out of the context of the sketch, and attempting to make it appear that I had the purpose of subverting the Bill of Rights. I insist that I believe that I am a stancher defender of the Bill of Rights than you are in our relationship at this moment. And the very asking of the question to me indicates as I said before, very clearly that there is an attempt here at censorship of some sort, all through ——

Mr. SCHERER. We are trying to find out how far the Communist conspiracy has succeeded in its infiltration.

Mr. SULLIVAN. All through the Berkshires, and through the forests around Wingdale Lodge, and all over the place.

Chairman WALTER. How do you suppose that we knew of this skit?

Mr. SULLIVAN. I gather that you knew of the skit from the testimony in Washington that was read to me, and you enunciated and you enumerated that there were 10 numbers, and apparently most of the notes that were taken were fairly accurate, and I assume that the way

you knew about this is that you purposely sent someone up there on July Fourth weekend to do this job.

Chairman WALTER. No, we found out because a number of people who were at the show at this place were shocked at what you and others did in an attempt to discredit this form of government.

Mr. SULLIVAN. Isn't it interesting, Mr. Walter, that after the show was over a number of people who were shocked by one sketch were able to report so accurately about the whole show? Would you be able to do that, frankly?

Chairman WALTER. Surely.

Mr. SULLIVAN. You could tell me there were 10 numbers in the show, and you could remember specific lines, and songs and so forth, and is that so? I doubt it sir.

Mr. SCHERER. They heard your show the night before.

Mr. SULLIVAN. I wonder who it was in the audience that did all of the laughing, then, at the show?

Chairman WALTER. I have my ideas about that, too.

Mr. SULLIVAN. I have my idea, too.

Chairman WALTER. Proceed, Mr. Tavenner.

Mr. SULLIVAN. Your inference again, Mr. Tavenner, is that somehow the presentation of this sketch was an attempt on my part to subvert the Bill of Rights, and I insist again that I think that this is a method of alerting people to the preciousness of the Bill of Rights and how important it is to all of us.

Mr. TAVENNER. We were wondering but what it may be an effort on the part of the Communist Party itself to create fear in bringing up the question of the Bill of Rights in such a manner as this. This is to depreciate its value.

Mr. SULLIVAN. Well apart from these few people who apparently didn't enjoy it, the rest of the audience howled with such laughter that it would be curious——

Mr. TAVENNER. You think that it had no Communist Party barb stuck in it?

Mr. SULLIVAN. Of course not.

Mr. TAVENNER. Who wrote the skit, did you?

Mr. SULLIVAN. I don't know who wrote the skit.

Mr. TAVENNER. Wasn't it your idea?

Mr. SULLIVAN. No, this is a sketch which has been done around, I believe. When we do sketches and put a show together, we talk over material, and one fellow who has been around other places has an idea for something, and slowly build a show by talking over various kinds of material.

Mr. TAVENNER. Was it your idea to put that skit on, or did you obtain it from someone else that evening?

Mr. SULLIVAN. It may have been my idea, and I have a big file full of notes and material of all kinds, and I can't answer that question accurately, and I am not sure exactly how the sketch came about. But again what relevance does this have, Mr. Tavenner? That is whether it was my idea or someone else's idea as to whether this is subverting our country or not. I don't believe it is. And I don't believe you believe it is.

Mr. TAVENNER. It is very important, if it is an evidence of Communist Party influence, on your part, it is very important.

That is, after having developed your opportunity for knowledge, I want to ask you again to tell this committee all you know about Communist Party activities within any group within the American Federation of Television and Radio Artists.

Mr. SULLIVAN. I have told you before what my answer is to a question like that. I believe you are invading my personal beliefs and that is my answer, and my associations, and that is my answer to your question, and it will continue to be my answer to any question that falls within that area.

Mr. TAVENNER. I want to ask you what knowledge you have of any Communist Party activities at Wingdale Lodge.

Mr. SULLIVAN. I have no knowledge whatsoever of any Communist Party activities at Wingdale Lodge.

Mr. TAVENNER. Not at the lodge; but you won't answer as to the American Federation of Television and Radio Artists?

Mr. SULLIVAN. Is that a question or a statement.

Mr. TAVENNER. It is an observation.

I have no further questions, Mr. Chairman.

Chairman WALTER. Are there any questions?

Mr. SULLIVAN. I have a statement, Mr. Walter, that I would like to read.

Chairman WALTER. Just a moment.

Mr. SULLIVAN. May I read this, Mr. Walter?

Chairman WALTER. We will put it in the record if it is relevant.

Mr. Sullivan, are you now a member of the Communist Party?

Mr. SULLIVAN. Mr. Walter, I don't believe that you have the right to ask me any question having to do with my personal beliefs or associations.

Mr. SCHERER. I ask you to direct the witness, Mr. Chairman.

Chairman WALTER. I direct you to answer the question.

Are you a member of the Communist Party?

Mr. SULLIVAN. I will tell you again, I answer that question by saying that I do not believe, or I challenge the right of this committee to ask such a question.

Chairman WALTER. The witness is excused.

The committee will stand in recess until 2 o'clock.

(Whereupon the committee recessed at 12:15 p. m. to reconvene at 2 p. m., the same day.)

AFTERNOON SESSION—AUGUST 16, 1955

Chairman WALTER. The committee will be in order.

Call your witness, please, Mr. Tavenner.

Mr. TAVENNER. Mr. Lee Hays, will you come forward, please?

Chairman WALTER. Will you raise your right hand, please?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HAYS. I do.

TESTIMONY OF LEE HAYS, ACCOMPANIED BY HIS COUNSEL, PAUL L. ROSS

Chairman WALTER. Be seated, please.

Mr. TAVENNER. Are you Mr. Lee Hays?

Mr. HAYS. That is right.

Mr. TAVENNER. Will you spell your name, please, sir?

Mr. HAYS. L-e-e H-a-y-s.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. ROSS. Paul L. Ross, 160 Broadway, New York City.

Mr. TAVENNER. When and where were you born, Mr. Hays?

Mr. HAYS. March 1914, Little Rock, Ark.

Mr. TAVENNER. Where do you now reside?

Mr. HAYS. Eleven Cranberry Street, Brooklyn.

Mr. TAVENNER. How long have you lived in the Borough of Brooklyn?

Mr. HAYS. About 4 years.

Mr. TAVENNER. Prior to that time, where did you reside?

Mr. HAYS. I resided in various places in New York City. I believe the previous address, before I moved to Brooklyn, was 52 Spring Street, perhaps, and various other addresses going back to 1940.

Mr. TAVENNER. Do you mean that you were a resident of the city of New York, or the immediate area, from 1940 on?

Mr. HAYS. On and off from about 1940.

Mr. TAVENNER. You say on and off—what period of time did you exclude?

Mr. HAYS. Well, I suppose I was always a legal resident, and I was travelling a great deal, and sometimes for a year or 6 months at a time.

Mr. TAVENNER. What is your profession?

Mr. HAYS. Folk singer.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. HAYS. I attended grade school and high school in Arkansas and Georgia. I never got a college degree because of the occurrence of the depression at that time. I think that I will have to claim to be a self-educated man through reading and study.

Mr. TAVENNER. How long have you been engaged professionally as a folk singer?

Mr. HAYS. I think that to be a professional folk singer one has to be paid for singing, and I sang for fun for a great many years, and I was quite surprised when people started to pay me for singing. I don't know exactly what years that would have been, probably as early as 1934 or 1935.

Mr. TAVENNER. What I am interested in is to know when you began making your living that way, if that is the source of your living.

Mr. HAYS. The period in which my living could be said to be complete, or most productive, began with me in about late 1949 or early 1950, and lasted for 2 or 3 years, when I was a member of a folk singing group.

Mr. TAVENNER. What group was that?

Mr. HAYS. I was a member of a folk-singing group called The Weavers.

Mr. TAVENNER. Who are the other members of that group?

Mr. HAYS. The members of the group were myself; Ronnie Gilbert, alto; Mr. Peter Seeger, tenor; Mr. Fred Hellerman, baritone; and I was the bass.

Mr. TAVENNER. During that period of time, did you hold an official position in any other musical group?

Mr. HAYS. What period of time is this?

Mr. TAVENNER. During the period of time that you were with the group you have just described.

Mr. HAYS. Would you please let me know what you would mean by "an official position"?

Mr. TAVENNER. Were you connected in any way with People's Songs?

(Witness consulted with counsel.)

Mr. TAVENNER. I mean in an official way.

Mr. HAYS. I am not aware that People's Songs was in existence during this period that the Weavers were in existence.

Mr. TAVENNER. During that period of time were you connected with the Weavers?

Mr. HAYS. As I said, it was 1949 through 1952, or early 1953. I may be wrong on those dates, but that is the best of my recollection.

Mr. TAVENNER. You say that you do not believe that the People's Songs was in existence during that period of time?

Mr. HAYS. It is the best of my recollection that it was not.

Mr. TAVENNER. During what period was it in existence?

Mr. HAYS. I think in 1946, 1947, and 1948 there was an organization called People's Songs.

Mr. TAVENNER. Were you connected with it during that period in an official capacity?

Mr. TAVENNER. What does a question like that have to do with the nature of this present inquiry into the theater in New York City?

Chairman WALTER. If you will answer the question, it will become apparent.

Proceed, Mr. Tavenner.

Mr. TAVENNER. May I ask that the witness answer the question?

(Witness consulted with counsel.)

Mr. HAYS. To questions like this, I am going to assert my privilege under the fifth amendment because I do not believe that the purpose of this inquiry allows anyone a right to examine into my associations and my beliefs and my personal private convictions?

Chairman WALTER. So therefore you refuse or decline to answer?

Mr. HAYS. I decline to answer.

Mr. TAVENNER. May I have a direction?

Chairman WALTER. I direct you to answer that question.

Mr. HAYS. I must give the same answer, and decline under that privilege.

Mr. TAVENNER. Do you know whether People's Artists was a booking agency for People's Songs?

(Witness consulted with counsel.)

Mr. HAYS. Any question of that kind I will have to rely on the same privilege.

Chairman WALTER. Do I understand you to mean that you decline to answer this particular question?

Mr. HAYS. Yes, sir.

Mr. TAVENNER. Did the Weavers, of which you were a member, use the People's Artists as a booking agency?

(Witness consulted with counsel.)

Mr. HAYS. I am afraid this again comes under the area where I must decline to answer under the privilege.

Chairman WALTER. You are not under any compulsion. Do you decline?

Mr. HAYS. I do decline.

Mr. SCHERER. I understand you are invoking the fifth amendment?

Mr. HAYS. That is correct.

Mr. TAVENNER. My question related to the connection of the Weavers with People's Artists. Have you received any bookings, individually, through People's Artists?

Mr. HAYS. I decline to answer for the same reasons given.

Mr. TAVENNER. You told us that your profession of folk singing really became successful as a commercial matter about 1949. How were you employed prior to 1949?

Mr. HAYS. For what period, for example?

Mr. TAVENNER. Begin in 1949, and tell us how you were employed in 1948

Mr. HAYS. I have had a number of jobs. I believe in 1948 I was functioning as a folklorist in collecting and research, and in the course of that I was traveling about quite a bit, as I have done through the years ever since I can remember.

Mr. TAVENNER. Where did you do that research work?

Mr. HAYS. There are so many sources for folk material and folksongs. There are libraries, and there are people, and there are folk festivals, and conventions, and there are record collections.

Mr. TAVENNER. Let me put the question in this way:

Were you employed to do that type of research work at any particular place?

Mr. HAYS. No; I was self-employed.

Mr. TAVENNER. For how long a period of time prior to 1948 was your time occupied in that type of work?

(Witness consulted with counsel.)

Mr. HAYS. Well, this is a lifelong profession, Mr. Tavenner, and it doesn't go along, it is interspersed with many jobs, let us say.

Mr. TAVENNER. What type of jobs? I want to find out for the benefit of the committee what the nature of your employment was. There shouldn't be anything complicated about stating it.

Mr. HAYS. I have worked in factories as a laborer, and I have worked in a public library as a page, and I have worked on numerous farms as a farmhand, and I have worked in the undesirable part of a good many greasy-spoon restaurants, and I have worked as I say at warehouse employment, and whatever came along, and wherever I was at the time that was sufficient to earn a living and still allow me to pursue my profession.

Mr. TAVENNER. I want to go back to approximately 1935. You need not go back any further than that.

Did you have any other type of employment from 1935 to 1949 that you have not described to us?

Mr. HAYS. I will try to think if I have left out anything.

(Witness consulted with counsel.)

Mr. HAYS. You are asking about employment and jobs, and not self-employment?

Mr. TAVENNER. Yes; any means by which you made a livelihood.

Mr. HAYS. I believe that the jobs that I have mentioned, the general areas of various types of laboring jobs, and considering the fact of an occasional job singing folksongs, that is, actually being paid, in those days sometimes as high as $5 an evening, which doesn't constitute earning a living but it is part of the picture, I daresay.

Mr. TAVENNER. You said that you acted as a page in a library. What type of employment was that, and where?

Mr. HAYS. In Cleveland Public Library, when I was in Cleveland, in 1930 or so, that would be way before the period you asked. A page is a page. He usually was a student.

Mr. TAVENNER. There is no other employment that you engaged in which you can now recall beyond those you have described?

(Witness consulted with counsel.)

Mr. SCHERER. Maybe you can refresh his recollection a little, Counsel?

Mr. HAYS. Do you have anything in mind that I may have overlooked?

Mr. TAVENNER. Probably I have. I have before me a photostatic copy of the Daily Worker, issue of May 21, 1938, and it is an article written by Mike Gold, entitled "Change the World," and a part of the heading is "Uncle Mike Indulges in a Few Tabloid Reminiscences." I am not interested in the content of the article but in the introductory paragraph, it reads as follows:

> Lee Hays runs the dramatics at Commonwealth, that brave and youthful workers college in Arkansas. I have never met this young mountainer, but in public print, Lee once referred to me as "Uncle Mike." Thanks, son, for bringing it to my attention.

Did you teach dramatics at Commonwealth College in Arkansas?

Mr. HAYS. Again, Mr. Tavenner, this is an area which I consider a matter of my personal convictions and beliefs, and therefore I must not get into a discussion of my associations and I must decline to answer for the grounds stated.

Chairman WALTER. I direct you to answer that question. Did you teach dramatics at this college?

Mr. HAYS. I must decline to answer under the same grounds, sir.

Chairman WALTER. You mean you do decline to answer?

Mr. HAYS. I do decline to answer.

Mr. TAVENNER. You had not forgotten that you did teach at Commonwealth College when I asked you to state your employment, had you?

(Witness consulted with counsel.)

Mr. HAYS. I don't know what you have in mind by a question like that.

Mr. TAVENNER. That ought to be plain enough. My question was that you were not short in your memory about your employment. You just were not going to tell the committee what your full employment had been; isn't that true?

(Witness consulted with counsel.)

Mr. HAYS. It seems to me that as I have given you the answers, I have been exercising my rights as a witness to assert my privilege whenever I felt the question was getting into an area of my associations or beliefs.

Mr. TAVENNER. What other occupation or employment did you have of which you have not yet told us?

Mr. HAYS. I have told you about as many as I can offhand remember. Again if you would like to refresh my memory, I would like to know what you have in mind.

Mr. SCHERER. What was the name of that college, Mr. Tavenner.

Mr. TAVENNER. Commonwealth College.

Mr. SCHERER. Did you forget about your employment at Commonwealth College, Witness? You said that you told us about as many as you could remember. Now I want to know whether you forget about your employment at Commonwealth College in responding to Mr. Tavenner's initial question about employment.

Mr. HAYS. Well, sir, when the initial question was asked, I declined to answer, asserting my privilege under the fifth amendment, and I think that I must decline to answer your question for the same reason.

Chairman WALTER. You think that you might be prosecuted for a crime if you admit that you taught dramatics at some college in Arkansas?

Mr. HAYS. That is not my inference at all, sir.

(Witness consulted with counsel.)

Mr. SCHERER. If that is not his inference, he is improperly invoking the fifth amendment.

Mr. HAYS. I don't believe that I am improperly invoking the fifth amendment.

Mr. SCHERER. Do you feel, Witness, that the answer to the question asked you by Mr. Tavenner about your employment at Commonwealth College would subject you to possible criminal prosecution?

(Witness consulted with counsel.)

Mr. HAYS. My answer is that I believe firmly that under the fifth amendment I have a right not to be a witness against myself.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Chairman WALTER. I direct you to answer the question.

Mr. SCHERER. We have a right to test this witness's sincerity and good faith in invoking the fifth amendment.

Chairman WALTER. I direct you to answer that question, and in that connection I would like to point out to you that so far as I know, it has never been a crime to teach anything in any college.

Mr. SCHERER. That is the reason I asked the question, Mr. Chairman.

Chairman WALTER. I directed you to answer the question.

(Witness consulted with counsel.)

Mr. HAYS. It is my understanding, Mr. Walter, that this institution that Mr. Tavenner brought up has been listed in the Attorney General's list.

Chairman WALTER. I didn't know that.

Mr. TAVENNER. Yes, that is correct. Commonwealth College was cited as Communist by Attorney General Tom Clark, on April 27, 1949, and by the Special Committee on Un-American Activities in its report of March 29, 1944.

To what was Mr. Gold alluding when he said in this introductory paragraph that you once referred to him as "Uncle Mike" in public print?

Mr. HAYS. In view of the manner in which this document has been introduced, I feel that I am not able to discuss any questions relating to it under my privilege.

Mr. TAVENNER. I have before me a photostatic copy of page 21 of the January 11, 1938, issue of New Masses. There I find an article entitled "Wants Communist Poetry," addressed to the New Masses, and signed "Lee Hays, Commonwealth College, Mena, Ark."

Will you examine it, please, and state whether or not you addressed such a letter to the New Masses?

(A document was handed to the witness.)

(Witness consulted with counsel.)

Mr. HAYS. Mr. Tavenner, I decline to answer that question for the reasons given.

Mr. TAVENNER. I desire to offer the document in evidence and ask it to be marked "Hays Exhibit No. 1" for identification only.

Chairman WALTER. Mark it and let it be received.

Mr. TAVENNER. The general purport of this article, Mr. Hays, is to complain about the form of Communist poetry and ask that it be of a more rugged and revolutionary character, is it not?

Mr. HAYS. I don't feel that I can answer any questions relating to this document under my privilege.

Mr. TAVENNER. The letter shows that it bears date of January 11, 1938, or at least it is printed on that date in New Masses, and that your address was Commonwealth College at that time. How long did you remain at Commonwealth College?

Mr. HAYS. Again for the reasons given, I have to decline to answer.

Mr. TAVENNER. Were you there in 1944?

Mr. HAYS. The same answer.

Mr. TAVENNER. Were you a member of the Communist Party on January 11, 1938?

Mr. HAYS. This question I do decline to answer according to my privilege under the fifth amendment.

Mr. TAVENNER. In 1949, you were practicing your profession in the city of New York, I believe, according to your testimony?

Mr. HAYS. That is correct.

Mr. TAVENNER. Did you become a member of the American Federation of Television and Radio Artists?

Mr. HAYS. Was there such a union in 1949?

Mr. TAVENNER. I didn't ask you whether you became a member in 1949. I asked you, after you came to work here, whether you became a member of it. It was not organized as early as 1949.

(Witness consulted with counsel.)

Mr. HAYS. I am not sure that I agree that this committee or anyone else has a right to inquire into my or anyone's union affiliations. I do think that I can tell you that to the best of my knowledge, and this is a peculiar thing to be shaky about, but to the best of my knowledge I have never been a member of this union.

Mr. TAVENNER. Of what union were you a member?

Mr. HAYS. The question again, it seems to me, invades the basic right of union membership, to be inviolate. The unions of which I have been a member are local 802 of the American Federation of Musicians, and the Variety Artists, AGVA.

Mr. TAVENNER. Were you a member of the American Federation of Radio Artists, which preceded the formation of the American Federation of Television and Radio Artists?

Mr. HAYS. I believe that I was never a member of this union, that is the best of my recollection.

Mr. TAVENNER. Just prior to 1949, you have not told us exactly what you were doing, but I have before me a photostatic copy, page 2, of People's Songs, issued February–March 1947. I see under the heading, "Board of Directors," there appears the name "Lee Hays." Were you a member of the board of directors in 1947?

Mr. HAYS. Would you repeat those dates, please?

Mr. TAVENNER. February and March of 1947.

Mr. HAYS. What does it say?

Mr. TAVENNER. It says, "Board of Directors," after naming others, and I find the name of Lee Hays.

Mr. HAYS. This is of People's Songs you are referring to?

Mr. TAVENNER. Yes, let me hand it to you so that you may see it.

(A document was handed to the witness.)

(Witness consulted with counsel.)

Mr. HAYS. This question I decline to answer under my privilege and the reasons already stated.

Mr. TAVENNER. Does the document show that the national director and the editor is Peter Seeger?

Mr. HAYS. The same answer.

Mr. SCHERER. I assume the exhibit does so show, Mr. Tavenner?

Mr. TAVENNER. Yes, sir, and I shall introduce the document in evidence and ask it to be marked, "Hays Exhibit No. 2," for identification only.

Chairman WALTER. Without objection, it is so ordered.

Mr. SCHERER. May I ask a question of the witness?

Mr. Hays, you said that you were engaged in research in this field about the year 1948, is that correct?

Mr. HAYS. That is correct.

Mr. SCHERER. Were there any results, as a result of this research? Were there any publications resulting?

(Witness consulted with counsel.)

Mr. HAYS. The only result I can think of, offhand, is in the general field of folklore. It is a murder mystery, relating to superstition and folklore which I wrote. I believe I wrote it in that year.

Mr. SCHERER. Who published it?

Mr. HAYS. Charm magazine. I do not know the issue.

Mr. SCHERER. Is that all that resulted from your research?

Mr. HAYS. No, there would be other things, and you asked about publications.

Mr. SCHERER. What other works resulted from your research work in those years?

Mr. HAYS. Writing songs for example which might not have been published, and learning songs, and swapping songs with people, and corresponding with people about folk music and folklore.

Mr. SCHERER. None of that material has been published then or was published?

Mr. HAYS. Not that I can specifically state as relating to that exact year.

Chariman WALTER. Under whose auspices was that work done?

Mr. HAYS. This is my own professional, personal, and private work.

Chairman WALTER. Who compensated you during that period for your work?

Mr. HAYS. This is the year 1948?

Chairman WALTER. The year that you were talking about, yes.

(Witness consulted with counsel.)

Mr. HAYS. I wasn't compensated, sir, for doing this particular work by anyone. It was not a very profitable enterprise.

Mr. TAVENNER. Were you doing this work for People's Songs?

Mr. HAYS. Although I have stated just now that I wasn't doing it for anyone but myself, this specific question that you now ask I do decline to answer under my privilege.

Mr. SCHERER. In view of his testimony, I ask that you direct the witness to answer.

Chairman WALTER. I direct you to answer that question.

Mr. HAYS. I decline to answer.

Mr. TAVENNER. Did People's Songs receive a grant from any source to carry on this work which you have described?

(Witness consulted with counsel.)

Mr. HAYS. I must decline again on the same reason.

Mr. TAVENNER. Have you received personally any grants from any source for the purpose of carrying on that type of work?

Mr. HAYS. Would you define what you mean by the word "grant"?

Chairman WALTER. Compensation or anything of value; let us put it that way.

Mr. HAYS. You mean as from a foundation?

Mr. TAVENNER. It would include that.

Mr. WILLIS. But it would not include any other source.

Mr. TAVENNER. That is right.

Mr. HAYS. What other sources would there be?

Mr. TAVENNER. You are in a better position to know.

Mr. HAYS. Philanthropic foundations. I have had no such grants from any research organization or any philanthropic organization like the Guggenheim, or the Rosenwald, or whatever it was.

Mr. TAVENNER. What was the source of the compensation that you received for that work?

Mr. HAYS. I believe that I can say that I received no specific compensation for any of this general research work, that it adds only to my professional ability to perform and function perhaps years later on, when I am employed as a folk singer.

Mr. TAVENNER. You were performing this type of work as part of your general duties in the employment that you had at that time?

Mr. HAYS. In the personal profession that I have had for a good many years.

Chairman WALTER. What was your source of income? You have testified that between 1949 and 1953 you were gainfully employed by the Weavers, and before that time you were not.

Now, what we would like to know is what your source of income was the year before you got this steady employment with the Weavers?

(Witness consulted with counsel.)

Mr. HAYS. At various times during that period I had individual jobs as a singer, paying sometimes not too much.

Chairman WALTER. $5 you said a moment ago, "as much as $5."

Mr. HAYS. That is not just a joke, either, because of the precarious living that folk singers make. There might have been an occasional $20 booking, and it would have looked like a fortune.

Chairman WALTER. Did you have any of those?

Mr. HAYS. I don't remember specifically the amounts that I may have earned.

Chairman WALTER. What other source of income did you have during that period?

Mr. HAYS. This is the year 1948?

Chairman WALTER. The year immediately before your steady employment with the Weavers.

Mr. HAYS. Offhand I can't honestly remember that there was anything other than what I have already stated, these occasional jobs.

Mr. TAVENNER. Going back to Hays Exhibit No. 2, it is noted that Earl Robinson is one of those who served on the board of directors in 1947. Were you acquainted with Earl Robinson?

(Witness consulted with counsel.)

Mr. HAYS. Would you separate that question from the reference to this document, Mr. Tavenner?

Mr. TAVENNER. No, sir; you may separate it if you desire.

Mr. HAYS. You state that Earl Robinson——

Mr. TAVENNER. If I asked you 2 questions in 1, I didn't mean to. I will try to clarify it.

Are you acquainted with Earl Robinson?

Mr. HAYS. Yes, sir.

Mr. TAVENNER. Was he a member of the board of directors of People's Songs in 1947?

(Witness consulted with counsel.)

Mr. HAYS. I believe that I will decline to answer that under my privilege as a question inquiring into my associations.

Chairman WALTER. Do you decline?

Mr. HAYS. I do decline.

Mr. SCHERER. Are you invoking the fifth amendment or just the first amendment?

Mr. HAYS. That is correct. The fifth amendment.

Mr. TAVENNER. Is Mr. Earl Robinson's telephone number your telephone number now?

(Witness consulted with counsel.)

Mr. HAYS. It is.

Mr. TAVENNER. Do you live at the same place?

Mr. HAYS. I live at the same address; yes.

Mr. TAVENNER. Was Earl Robinson engaged in the business of People's Songs in 1947?

Mr. HAYS. I decline to answer that under the reasons given.

Mr. TAVENNER. What is Mr. Robinson's employment now?

(Witness consulted with counsel.)

Mr. HAYS. I can tell you what his profession is.

Chairman WALTER. We want to know what he is doing now, and not what his profession is.

Mr. HAYS. I would like to ask you to state the question again, and now I am confused.

Mr. TAVENNER. What is Mr. Earl Robinson's employment now?

(Witness consulted with counsel.)

Mr. HAYS. The reason I was confused is because many composers—I take it for granted Mr. Robinson is self-employed.

Mr. TAVENNER. I am not asking you to take anything for granted, I am asking you to state his employment, if you know.

Mr. HAYS. All I know is that he is a composer, and that he is employed composing music.

Mr. TAVENNER. By whom?

Mr. HAYS. Self-employed.

Mr. TAVENNER. You are not assuming that, you are stating that you know that?

Mr. HAYS. Well, isn't a composer automatically self-employed, and I don't know the details of his business and to whom he may sell his compositions. I only know that he writes them.

Mr. TAVENNER. You seem in some doubt about it.

Are you acquainted with Mr. Alan Lomax?

Mr. HAYS. I have been.

Mr. TAVENNER. Where is Mr. Lomax now?

Mr. HAYS. I don't know.

Mr. TAVENNER. Is he in this country?

Mr. HAYS. I don't know.

Mr. TAVENNER. Did he serve on the board of directors of People's Songs in 1947?

Mr. HAYS. As with any of these others, I must take the same privilege and decline to answer.

Mr. TAVENNER. Wasn't he actually the founder of People's Songs?

Mr. HAYS. I must again give the same answer.

Mr. TAVENNER. Will you tell the committee to what extent the Communist Party was interested in the product of People's Songs, if any?

Mr. HAYS. I decline to answer that question under the privilege of the fifth amendment.

Mr. TAVENNER. Experienced as you were in the field of research of folk songs, and as a folk-song singer, will you tell the committee whether or not the Communist Party used People's Songs in order to support any of the organizations or programs in which it was interested?

(Witness consulted with counsel.)

Mr. HAYS. I will give you the same answer as before.

Chairman WALTER. By that you mean you decline to answer because of the reasons given before?

Mr. HAYS. That is right.

Mr. TAVENNER. I have before me a photostatic copy of the Daily People's World of November 15, 1954, in which there appears reference to an appearance on the west coast of a concert of People's Art Songs, sponsored by the Northern California Peace Council.

The committee has just returned from southern California where it heard a great deal of evidence about peace crusade work in California and how the State of California was divided into two areas, the southern part, of which Peter Hyun was the executive secretary, and then the northern part. Will you tell this committee anything about the circumstances under which you were employed to take part in this enterprise sponsored by the Northern California Peace Council?

Mr. HAYS. I am confused now. Could I see the document?

Mr. TAVENNER. Yes, sir.

(A document was handed to the witness.)

(Witness consulted with counsel.)

Mr. HAYS. As far as I can tell, this does not say that I am taking part as you say in this thing.

Mr. TAVENNER. What does it say about you?

Mr. HAYS. I believe it says that someone is going to sing some songs allegedly written by me, among others. I believe that is all it says.

(Witness consulted with counsel.)

Mr. TAVENNER. Were you there on that occasion?

Mr. HAYS. I wasn't in California so far as I recall.

Mr. TAVENNER. You did not take part in the program then?

Mr. HAYS. As I stated, I did not take part. This is purely a listing of certain songs that I am supposed to have written.

Chairman WALTER. Did you participate in any activities on behalf of this California Peace Council?

Mr. HAYS. Is that the name of the organization you are asking me about?

Chairman WALTER. Did you participate on behalf of any program which was announced as being in furtherance of peace?

Mr. HAYS. I don't know anybody who is against that.

Chairman WALTER. Everybody is for peace; yes.

Mr. HAYS. But there must be a good many organizations active for peace, and I couldn't answer a general question like that. I am not connected with California at all for that matter.

Chairman WALTER. But did you participate in any sort of a performance in California conducted by Jenny Wells?

(Witness consulted with counsel.)

Mr. HAYS. My best recollection is sir, that I did not.

Chairman WALTER. All right. Proceed, Mr. Tavenner.

Mr. TAVENNER. The article referred to says that these songs were songs by various persons, including Lee Hays. What songs have you composed?

(Witness consulted with counsel.)

Mr. HAYS. A folk singer quite often changes songs as he learns them and sings them, and sometimes he gets credit for it and sometimes he doesn't. I have worked on a good many songs which people have learned and sung. I have written some. I have rewritten others in the course of my professional life. I have written a great many songs. I regret to say that there are not nearly as many good songs among them as I should have liked.

Mr. TAVENNER. Give us the names of those that you feel are good songs.

Mr. HAYS. I wrote a song more or less based on a little fragment of a folk song, out of one of Carl Sandburg's books, called, The Colorado Trail. With the Weavers I wrote a great deal of material which finally came out as Kisses Sweeter Than Wine.

I worked on what we call the folk process, the editing of a good many songs, including one which, according to the New York Post has been quite useful here lately when ceremonies for former Air Force Secretary Talbott on August 12—I see that the Air Force Band played a Weavers song, So Long, It's Been Good to Know You. So that folk songs generally have their purposes, and this is one of the ones that I can't claim authorship for but I can say in the course of singing it, I have added and subtracted lines from it and from a good many other songs. I just rewrote yesterday, I wrote two verses to the Ballad of John Henry, which I hope someday will be of some use to folk singers.

Mr. TAVENNER. We have just heard one of your songs, entitled, Wasn't That a Time. Were you the author of it?

(Witness consulted with counsel.)

Chairman WALTER. Did you write that song?

Mr. HAYS. I will decline to answer that question, sir, under the privilege of the fifth amendment.

Mr. SCHERER. Wasn't that the song Elliott Sullivan had on his program at Wingdale Lodge?

Mr. TAVENNER. That was one of the items at the summer camp on the weekend of July 4, 1955.

Mr. SCHERER. It is the one that deals with Valley Forge, Gettysburg, and Bunker Hill.

Mr. TAVENNER. Yes.

Mr. SCHERER. It sort of ridicules them, doesn't it?

Mr. TAVENNER. Could it be that the use the Communist Party has put your songs to has influenced you in your refusal to answer the question that I asked you?

(Witness consulted with counsel.)

Mr. HAYS. I think this is in the matter of my associations, and beliefs, and I will decline to answer under my privilege.

Mr. TAVENNER. Wasn't the song that I referred to, Wasn't That a Time, written for the purpose of extending comfort to those who were convicted under the Smith Act case, the 11 who were tried and convicted in Foley Square?

(Witness consulted with counsel.)

Mr. HAYS. You are still in this area of my associations and beliefs, and I must decline to answer.

Mr. TAVENNER. What I am trying to get at, Mr. Hays, is to learn to what extent the Communist Party has used you in its program to advance the cause of the Communist Party in this country.

Mr. HAYS. I don't know what you mean, sir, by the use of the word "used."

Mr. TAVENNER. I mean used in the sense that you contributed your talent and your services, and your time, and your effort knowingly to assisting the Communist Party in the field of your talent.

(Witness consulted with counsel.)

Mr. HAYS. You are asking questions which to me are highly argumentative and debatable, and I don't propose to get into that debate and argument because it is an area that deals with associations and beliefs and so I do decline to answer that under the reasons stated.

Mr. TAVENNER. It is not an argument, it is a question calling for a factual reply.

Mr. HAYS. I give you the same answer, sir.

Chairman WALTER. You decline to answer because of the fifth amendment, is that right?

Mr. HAYS. Under the privilege of the fifth amendment.

Chairman WALTER. Under the privilege, yes.

Mr. HAYS. I decline to answer.

Mr. TAVENNER. Were you a member of the Communist Party from 1949 until the time your association with the Weavers terminated?

(Witness consulted with counsel.)

Mr. HAYS. I decline to answer for the same reasons.

Mr. TAVENNER. Are you a member of the Communist Party now?

Mr. HAYS. I decline to answer for the same reason.

Mr. TAVENNER. Mr. Chairman, during the course of the committee's investigation, it was discovered that there is another person in the field

of entertainment by the same name, and both the first name and the last name have the same spellings. This other individual by the name of Lee Hays—or first let me ask you, what is your address?

Mr. HAYS. 11 Cranberry Street.

Mr. TAVENNER. I am mentioning this so that the press will not get the two names confused, and so the record will be clear. The address of the other Lee Hays who is to be kept distinct in description from the one on the witness stand—I am sorry to say, I have his telephone number and not his address, and so I don't want to give his telephone number.

Mr. HAYS. His address is on my subpena. Perhaps that would help you.

Mr. TAVENNER. Very well, sir.

The address of the other Mr. Hays is 309 West 82d Street. The other Mr. Hays has been in television, screen, and the theater.

I have no further questions, Mr. Chairman.

Chairman WALTER. Are there any questions?

Mr. SCHERER. I have a question, Mr. Chairman.

Mr. Hays, you have refused to answer all significant questions basing your refusal to answer on your privilege to do so under the fifth amendment. In other words, you have said to us that you refuse to answer these questions because you fear that to answer those questions might tend to incriminate you.

The last Congress passed a law which gives this committee, with the approval of the Federal court, the right to grant you immunity. In other words, it can say to you that no matter what your answers might be to the questions propounded, you cannot be prosecuted.

Now, if this committee should see fit in your case to grant you immunity, would you answer the questions?

(Witness consulted with counsel.)

Mr. HAYS. Mr. Scherer, my advice is that this matter is still being considered in the courts, and that it has not come to a final conclusion. Therefore, I would have to wait until the matter was settled before I could face that situation.

Mr. SCHERER. Let us go one step further.

I disagree with what your counsel has said, but let us assume that it is in the courts and let us assume that the courts eventually decide that this law passed by the 83d Congress is constitutional and is a proper law, and then this committee, after such a decision, should decide in compliance with that law, as I said before, to grant you immunity with the approval of the Federal court.

In other words, no matter what your answers might be to the questions propounded, you could not suffer the prosecution or the incrimination which you say that you now feel and which is the basis of your refusal to answer these questions.

Would you then answer the questions?

Mr. HAYS. Mr. Scherer, it seems to me that this is a supposition that you are asking me to comment on.

Mr. SCHERER. Yes, it is.

Mr. HAYS. And I would prefer to wait until the matter was settled and I was faced with the problem before having to give an answer to it.

Mr. SCHERER. My question was that if you had nothing to fear, would you then answer the questions?

Mr. HAYS. I will still wait until the matter was settled.

Mr. SCHERER. That is all.

Chairman WALTER. The witness is excused, and we will take a 5-minute recess.

(Whereupon a short recess was taken by the committee.)

Chairman WALTER. The committee will be in order.

Call your next witness, Mr. Tavenner.

Mr. TAVENNER. Irma Jurist, will you come forward please?

Mr. SACKS. My client requests no pictures be taken.

Chairman WALTER. Your request will be complied with.

Will you raise your right hand, please?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. JURIST. I do.

TESTIMONY OF IRMA JURIST, ACCOMPANIED BY HER COUNSEL, RAYMOND SACKS

Mr. TAVENNER. Will you state your name, please?

Mrs. JURIST. Irma Jurist.

Mr. TAVENNER. Will you spell it?

Mrs. JURIST. J-u-r-i-s-t, it is a sort of lawyer's name. I-r-m-a.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. SACKS. Raymond Sacks, 36 West 44th Street.

Mr. TAVENNER. Are you a native of New York City?

Mrs. JURIST. Yes, I am.

Mr. TAVENNER. Where do you now reside?

Mrs. JURIST. 601 West 113th Street.

Mr. TAVENNER. What is your profession, please?

Mrs. JURIST. I am a composer and housewife.

Mr. TAVENNER. How long have you been engaged in the business of composing, professional speaking?

Mrs. JURIST. May I read? I tell you I am a very poor speaker, and I——

Mr. TAVENNER. That only requires giving a date, and you shouldn't——

Mrs. JURIST. You mean in a formal way?

Mr. TAVENNER. How long have you been engaged professionally as a composer?

Mrs. JURIST. I would say from about the years 1945 and 1946, until through my last show, which was, Caesar and Cleopatra.

Mr. TAVENNER. Will you tell the committee what your formal educational training has been?

Mrs. JURIST. All of my schooling was received in New York City. At the end of my junior year, at college, I left to pursue my musical studies, and I went to Hunter College. In the middle 1930's, I completed my formal school training and graduated summa cum laude from the Viller Quail School where I had been a scholarship student from earliest childhood. I then taught at the school.

Don't take pictures.

Chairman WALTER. You have heard the request, and please, gentlemen.

Mr. TAVENNER. I am sorry, I didn't hear your last statement.

Mrs. JURIST. You mean the last part of that statement?

Mr. TAVENNER. You taught at the school?

Mrs. JURIST. Yes, sir, I will try to speak up.

Mr. TAVENNER. At what school was that?

Mrs. JURIST. The Viller Quail School, a very fine music school.

Mr. TAVENNER. And you taught there during what years?

Mrs. JURIST. I think 1937 and 1938. I think that was it.

Mr. TAVENNER. You stated a moment ago that you had composed through your last show; what show is that you are speaking of?

Mrs. JURIST. They came together, they came simultaneously. You would have made it so much easier if you had just let me read it straight.

Mr. TAVENNER. Very well, proceed.

Mrs. JURIST. It is very simple. For a number of years, from approximately 1938 until 1948, I worked with an eminently gifted comedian and artist in a variety of supper clubs. We were very popular, and a very amusing team, and were constantly regaled with requests to appear at many functions. We entertained at the annual Gambol of the Lambs Club, for the 12 Night Club, at various and sundry highly social and, I presume, respectable occasions. As a matter of fact, I even recall a birthday party to which we were invited to entertain, which was the birthday party for one of the presidents of the New York Stock Exchange, since deceased.

During the war, when entertainers were on constant call for their services, we did a very substantial amount of volunteering, and appeared at stage-door canteens both here and in Washington, and at Army and Navy posts in this vicinity. On occasion we also had commercial employment.

Some of the supper clubs where we were engaged were—and some of these go back quite a number of years and are not very familiar names—Schaeffer House, which is defunct; Cotillion Room at the Pierre, in the year 1940 and 1941; the Blue Angel, we had two engagements there, 1941 and 1948; the Starlight Roof of the Waldorf; Pari Kitchen, which was a little pleasant French restaurant; and the Somerset in Boston, approximately 1947; and the Golden Room of the Copacabana in Rio de Janeiro.

Shall I continue?

Chairman WALTER. Well, if you want to, go ahead.

Mrs. JURIST. It makes it so much simpler for me, and I have thought it through this way.

Mr. SCHERER. I wish the witness would talk a little louder. I can't hear her.

Mrs. JURIST. In 1943, or 1944, I became Gertrude Lawrence's accompanist in a radio series of musical plays in which she was starred.

At about that time I began to think seriously about composing. I had done some years back, quite informally, for modern dancers. Composing for the theater seemed to me at the time such a lucrative career—how innocent I was.

Shortly thereafter I had my first encounters with the commercial theater in the area of composing.

During the next few years I worked on scores for Spec.

Mr. TAVENNER. When did that begin, please?

Mrs. JURIST. About 1944 and 1945. I was employed as a matter of fact.

Mr. TAVENNER. Now you have begun to answer the question I asked you.

Mrs. JURIST. I couldn't remember that date without looking at this paper, though.

During the next few years I worked on scores for Spec, and coached, and accompanied, and prepared material for reviews, which remained unproduced, and lived on promises, and unfortunately, borrowed money, and stubbornly continued composing and studying.

By 1949 I finally received a tangible commission and contract with a small retainer fee.

That winter, the winter of 1949, I had two credits on Broadway—Lo and Behold—Caeser and Cleopatra, and a show called Alive and Kicking. The management of A. & K. absconded with all of my royalties. Caesar did not pay back its production costs, and so I could not receive the balance of my fee, and then being newly married, I decided to kiss an unprofitable business goodby.

Since that time I have been unremittingly involved in life with my family.

That is my entire report on my career, my professional career.

Mr. TAVENNER. Did you also during that period of time write the musical score for movies and plays?

Mrs. JURIST. Yes; how silly of me to have left that out. Of course I did. It shows that you should never write your little preparations at night when you are sleepy.

I wrote the scores, and I did some original scores for two United Nations films, and I am glad you mentioned that, and one of them was called, International Road Signs, which dealt with the way people drive cars, and the other was a story of delegates, and I selected and edited some music for a film that I think we did, I think it was on Bolivia or Chile, and I don't remember which it was. I was in a free-lance capacity for the United Nations.

What was your other question? I sort of lost it. You asked me if I did films and something else.

Mr. TAVENNER. Did you write musical scores for the stage?

Mrs. JURIST. And the stage, oh, yes. Did I leave something out? I thought I sort of generally covered almost everything that I could remember.

Mr. TAVENNER. You were speaking of the films——

Mrs. JURIST. Yes; United Nations films.

Mr. TAVENNER. Were there other films for which you wrote the score?

Mrs. JURIST. Oh, yes; I did an original score for a short on Degas, the French painter, and I also selected some music for a series of art films that were done in connection, and they were art films that were independently produced. You know, it was music from Liszt which I entered, and added some Berlioz, and others.

Mr. TAVENNER. Does that complete the list?

(Witness consulted with counsel.)

Mrs. JURIST. It does, to the best of my recollection.

Have you anything particular in mind?

Mr. TAVENNER. Did you write the music for Carl Marzani's exposé of monopoly, as it was called, Dollar Patriots?

Mrs. JURIST. I respectfully submit this question is an encroachment on my constitutional rights, and I therefore very simply plead the protection of the fifth amendment.

Mr. SCHERER. I ask you to direct the witness to answer the question.

Chairman WALTER. I direct you to answer that question.

Mrs. JURIST. Does that mean that I repeat my answer?

Chairman WALTER. I have directed you to answer the question.

(Witness consulted with counsel.)

Mrs. JURIST. I repeat my answer, sir, as I have stated it.

Chairman WALTER. In other words, you refuse to answer, and give as a reason the protection afforded people under the fifth amendment of the Constitution?

Mrs. JURIST. Yes; I quite so do. I think that you have said it much better than I did.

Chairman WALTER. I have had more experience.

Mrs. JURIST. We should change seats.

Mr. TAVENNER. Are you acquainted with Carl Marzani?

Mrs. JURIST. I respectfully submit, sir, that this is an encroachment of my constitutional rights, and I therefore firmly plead the protection of the fifth amendment.

Chairman WALTER. And decline to answer?

Mrs. JURIST. And decline to answer; yes, sir.

Mr. TAVENNER. According to the October 29, 1948, issue of the Daily Worker, a photostatic copy of which I have before me, Dollar Patriot was written by Carl Marzani, the commentary was by Sam Wanamaker, and the music by Irma Jurist. Are you acquainted with Sam Wanamaker?

Mrs. JURIST. Do you really want me to answer that?

Mr. TAVENNER. Yes; I would like for you to.

Mrs. JURIST. I respectfully submit this question is an encroachment of my constitutional rights, and I decline to answer, and I plead the protection of the fifth amendment.

Mr. TAVENNER. Will you tell the committee what interest the Communist Party had in the production of that movie?

Mrs. JURIST. If I knew I would be very glad to tell you, however, I must plead the fifth amendment, out of ignorance.

Mr. TAVENNER. You must plead the fifth amendment out of ignorance?

Mrs. JURIST. It doesn't sound very right, "out of ignorance," but it is a fact.

(Witness consulted with counsel.)

Mrs. JURIST. I decline to answer—the same answer as before.

Mr. SCHERER. I ask you to direct the witness now, in view of her statement. She said if she knew she would be glad to tell us, and then she pleads the fifth amendment, so she is obviously improperly and not in good faith, invoking the fifth amendment.

Mrs. JURIST. Well then, in good faith, in answer to a question of this nature, may I put it perhaps a little more seriously? Let me plead the protection of the fifth amendment.

In other words, I decline to answer and plead that protection.

Chairman WALTER. Who was the person that you asked her about?

Mr. TAVENNER. Sam Wanamaker.

Chairman WALTER. And you feel that if you would answer the question as to whether or not you know Sam Wanamaker, you might be involved in some sort of a criminal proceeding?

Mr. SCHERER. I am sorry, let me interrupt, but counsel is in error, and he proponded the wrong questions.

Mr. TAVENNER. I had asked that question prior to the one we are now discussing.

Mr. SCHERER. The question before the witness is a different one.

Chairman WALTER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Were you a member of the Communist Party at the time Dollar Patriots was filmed?

Mrs. JURIST. I deem this an improper question, and I plead the protection of the fifth amendment.

Mr. TAVENNER. Do you refuse to answer.

Mrs. JURIST. I refuse to answer.

Mr. TAVENNER. Will you tell the committee, please, whether or not your residence was used for Communist Party purposes at any time between 1945 and 1948?

Mrs. JURIST. I decline to answer and invoke the protection of the fifth amendment.

Mr. TAVENNER. You spoke of musical skits in which you participated. Where were the rehearsals done for those skits?

Mrs. JURIST. Usually at rented halls, to my knowledge. Various studios, or if it was a production that was really going to take place, they generally had the use of a theater.

Mr. TAVENNER. I am speaking of rehearsals and practices.

Mrs. JURIST. Yes; you are referring to that. On occasion my own home, which was really a studio, too, and after all, I did all of my work at my home and my piano is at home, and whatever teaching or coaching I did at home, at my studio.

Mr. TAVENNER. Were any of these skits in which you participated put on at Cafe Society downtown?

Mrs. JURIST. I didn't participate in skits. I don't write texts, I only write music.

Mr. TAVENNER. Did you accompany any of the entertainers in skits?

Mrs. JURIST. I don't understand the purpose of the question. Cafe Society, you mean the professional night club?

Mr. TAVENNER. Any place downtown.

Mrs. JURIST. I think I understand you then. I decline to answer Counsel, and I must invoke the fifth amendment. Where I fail to understand you, I must get clarification.

Mr. TAVENNER. What field generally did these musical skits cover which you participated in?

Mrs. JURIST. I really don't understand that question. In a sense we have separated certain questions in our minds, haven't we?

Mr. TAVENNER. Let us see if we can understand each other. Did you prepare or assist in preparing skits to be used for political purposes in political campaigns?

Mrs. JURIST. Yes; I decline to answer on previously stated grounds.

Mr. TAVENNER. Do you recall a skit enitled, "Show Time for Wallace"?

Mrs. JURIST. I decline to answer on previously stated grounds.

Mr. TAVENNER. Did you work in that skit?

(Witness consulted with counsel.)

Mrs. JURIST. I decline to answer and invoke the privilege of the fifth amendment.

Mr. SCHERER. Did you ever receive any compensation either directly or indirectly from the Communist Party for any of the work you did?

(Witness consulted with counsel.)

Mrs. JURIST. I decline to answer that, Mr. Scherer, on grounds of self-incrimination, and all the protection the fifth amendment affords me.

Mr. SCHERER. Did you ever make any contributions, either financial or through your work, to the Communist Party directly or indirectly?

Mrs. JURIST. I think this is a dreadful question. I really do. I must refrain from answering this question, Mr. Scherer, and plead my protection of the fifth amendment. I think that is really quite a question. I don't know what purpose it will serve either.

Mr. SCHERER. I am giving you the opportunity to answer.

Mrs. JURIST. I have answered.

Mr. TAVENNER. Was your home used at any time for the purpose of the annual registration of Communist Party members?

Mrs. JURIST. I decline to answer that on previously stated grounds.

Mr. TAVENNER. Are you now a member of the Communist Party?

(Witness consulted with counsel.)

Mrs. JURIST. Excuse me, sir. I might as well enjoy myself, I have been so tired all day long here.

(Witness consulted with counsel.)

Mrs. JURIST. Just one second here.

Now, would you repeat the question?

Mr. TAVENNER. Would you read her the question?

(Whereupon the reporter read the pending question as above recorded.)

Mrs. JURIST. It would be nice in a sense to end my testimony with a great deal of bravura, and a great many statements, and in some way try to use this desk as a platform, but I am really not a speaker, and I am not prepared to do things like that.

Chairman WALTER. What is your answer to this question?

Mrs. JURIST. Then, comma, or semicolon, I decline to answer, invoking my protection in the fifth amendment.

Mr. TAVENNER. I have no further questions.

Chairman WALTER. The witness is excused.

Mr. TAVENNER. I will call Mr. Joshua Shelley.

Mr. Shelley, will you come forward, please?

Mr. POPPER. I am the attorney for Mr. Shelley, and I explained to Mr. Beale about a week ago that Mr. Shelley could not be here until tomorrow afternoon. He had an engagement out of town and hasn't had a chance to consult with counsel. His engagement only finished at the end of the week, and if Mr. Beale is here, he will confirm that fact. I am calling to your attention that Mr. Beale said, "O. K."

Chairman WALTER. We will grant your application for a postponement until tomorrow.

Have you another witness, Mr. Tavenner?

Mr. TAVENNER. Mrs. Susan d'Usseau.

Mr. FRANCE. Mr. Chairman, my client lacks hearing in one ear, and I wonder if I might sit on this side of her.

Chairman WALTER. Whatever is convenient to you.

Will you raise your right hand, please, Mrs. d'Usseau?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. D'USSEAU. I do.

TESTIMONY OF MRS. SUSAN d'USSEAU, ACCOMPANIED BY HER COUNSEL, ROYAL FRANCE

Mr. TAVENNER. Will you state your name, please?

Mrs. D'USSEAU. Susan d'Usseau.

Mr. TAVENNER. Will you spell your last name, please?

Mrs. D'USSEAU. Small d, apostrophe, capital U-s-s-e-a-u.

Mr. TAVENNER. Would you try to raise your voice a little? There is no amplifying system here.

Where do you reside, Mrs. d'Usseau?

Mrs. D'USSEAU. In New York City.

Mr. TAVENNER. How long have you lived in New York City?

Mrs. D'USSEAU. All of my life.

Mr. TAVENNER. Have you been engaged in a profession?

Mrs. D'USSEAU. I am an artist.

Mr. TAVENNER. Are you a writer, also?

Mrs. D'USSEAU. No; I am not.

Mr. TAVENNER. You have not engaged in writing?

Mrs. D'USSEAU. No.

Mr. TAVENNER. You are an artist?

Mrs. D'USSEAU. A painter.

I think that you have made a mistake in calling me to this committee. I have nothing to do with the theater.

Mr. TAVENNER. It hasn't anything to do with the theater. You were subpenaed before this committee in 1953, and as a matter of convenience to your attorney, you were not called at that time.

Have you lived in the State of California at any time?

Mrs. D'USSEAU. Yes, I have.

Mr. TAVENNER. During what period of time did you live there?

(Witness consulted with counsel.)

Mrs. D'USSEAU. Between 1938 and 1941, I think.

Mr. TAVENNER. While living there, did you become acquainted with Stanley Roberts?

Mrs. D'USSEAU. Do you mean that thing that talked badly about people who befriended him when no one else would?

Chairman WALTER. We don't know anything about that.

Do you know this man, Stanley Roberts?

Mrs. D'USSEAU. I refuse to answer that question.

Mr. SCHERER. I ask you to direct the witness to answer that question.

Chairman WALTER. You are directed to answer the question.

Mrs. D'USSEAU. On the basis of the first and fifth amendments.

Mr. TAVENNER. Mr. Roberts testified before this committee that he met Arnaud d'Usseau and his wife Susan d'Usseau in 1938, and that they asked him to become a member of the Communist Party.

Did you endeavor to recruit Mr. Roberts into the Communist Party?

Mrs. D'USSEAU. I refuse to answer that question on the basis of the first and fifth amendments.

Mr. TAVENNER. Were you engaged in any business in 1938, in Los Angeles, or in Hollywood?

(Witness consulted with counsel.)

Mrs. D'USSEAU. I refuse to answer that question on the same grounds.

Chairman WALTER. I direct you to answer that question.

Mrs. D'USSEAU. Well, in the first place, I don't know why you are investigating me, because this committee is supposed to be investigating the theater, and——

Chairman WALTER. No, we are not supposed to be doing anything of the sort. We are charged with the responsibility of investigating communism and Communist activities no matter where, whether it is in the theater, labor unions, or wherever it is.

Mrs. D'USSEAU. I also think that what I do and what I think, and what I feel, and what I have done, is a very private affair.

Chairman WALTER. Were you in business in Hollywood in 1938?

(Witness consulted with counsel.)

Mrs. D'USEAU. I refuse to answer that question.

Chairman WALTER. I direct you to answer the question.

Mr. FRANCE. She said on the grounds of the first and fifth amendments.

Mr. TAVENNER. Not knowing all types of business that you may have been engaged in, I will make my question more specific. Did you operate a bookstore in 1938 in Hollywood?

Mrs. D'USSEAU. It is the same question and I still refuse to answer.

Mr. TAVENNER. You refuse to answer that question?

Mrs. D'USSEAU. On the grounds of the first and fifth amendments.

Mr. TAVENNER. Were you acquainted in Hollywood with a person by the name of Pauline Swanson Townsend?

Mrs. D'USSEAU. I refuse to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. Mrs. Townsend testified before this committee, as Mr. Roberts did, about the period of time she was in the Communist Party. She discussed the reasons that took her into the Communist Party, and the reasons that took her out of it.

Mrs. Townsend testified that she was assigned to a group of writers' wives within the Communist Party, that is, the husbands of these persons were writers, and this was a group composed of wives of writers. She described what her activities in the Communist Party were, and she told the committee how she was employed at the time in the Fourth Fighter Command as a radar plotter. It was a position which she enjoyed and in which she felt she was doing something useful in the war years. She said after being in the Communist Party a short time, Elizabeth Leech, the section organizer of the Communist Party, decided that she must take over the job of executive secretary of the Los Angeles County Council of the National Council of American-Soviet Friendship.

In other words, she must get out and take over the duties of that office. She did not want to do that. Her friends and her husband protested against the new assignment. She said that, "Susan d'Usseau wrote from New York protesting," that she be taken out of this

Communist Party group and assigned to this secretarial position with the National Council of American-Soviet Friendship.

Will you tell the committee whether you did make a protest, and if so, why you made it?

Mrs. D'USSEAU. I don't know how I can answer that question.

Mr. TAVENNER. Well, first, did you make a protest?

Mrs. D'USSEAU. Knowing this woman, and so I refuse.

Mr. TAVENNER. You have not acknowledged it but neither have you denied that you knew Mrs. Townsend.

Mrs. D'USSEAU. No.

Mr. TAVENNER. Did you protest her assignment to this secretarial position?

Mrs. D'USSEAU. I am not going to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. Then you decline to testify as to any of the reasons which might have been involved in the matter?

You stated that you returned to New York in 1941. In what business did you engage in New York after you returned in 1941?

Mrs. D'USSEAU. None, I studied art.

Mr. TAVENNER. Did you engage in work as an instructor or lecturer at any school in New York?

Mrs. D'USSEAU. I refuse to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. Did you actively take part in the May Day parade on April 30, 1947?

Mrs. D'USSEAU. I refuse to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. Have you been active in the National Civil Rights Legislative Conference which was held in Washington in January of 1949?

Mrs. D'USSEAU. I refuse to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. The reason I am asking you these questions is that the committee has received a great deal of testimony indicating the type of activities that Communist Party members understood they were required to perform, and in some cases, were directed to perform, as Communist Party members, outside of the actual Communist Party group.

Mrs. D'USSEAU. No one ever directed me to do anything, and whatever I do, I do because I want to.

Mr. TAVENNER. Did you engage in activities in any mass organization because you understood that as a member of the Communist Party you were supposed to do that?

(Witness consulted with counsel.)

Mrs. D'USSEAU. I am not going to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. Were you a signer in 1950 of a resolution against atomic weapons, sponsored by the National Council of Arts, Sciences, and Professions?

Mrs. D'USSEAU. I am not going to answer that question, on the same grounds.

Mr. TAVENNER. Were you an endorser of the National Council of American-Soviet Friendship in December of 1949?

Mrs. D'USSEAU. I am not going to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. Are you a member of the Communist Party at this time?

Mrs. D'USSEAU. I refuse to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. Have you been a member of the Communist Party at any time in New York since your return from Hollywood in 1941?

Mrs. D'USSEAU. I refuse to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Chairman WALTER. Are there any other questions?

The committee is adjourned until 10 o'clock tomorrow morning.

(Whereupon at 4:10 p. m., the committee recessed to reconvene at 10 a. m., Wednesday, August 17, 1955.)

(Testimony of witnesses appearing on August 17–18, 1955, printed in pt. VII of this series.)

DEPOSITORY

INVESTIGATION OF COMMUNIST ACTIVITIES, NEW YORK AREA—Part VII (ENTERTAINMENT)

HEARINGS

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES HOUSE OF REPRESENTATIVES

EIGHTY-FOURTH CONGRESS

FIRST SESSION

AUGUST 17 AND 18, 1955

(INCLUDING INDEX)

Printed for the use of the Committee on Un-American Activities

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COMMITTEE ON UN-AMERICAN ACTIVITIES

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Public Law 601, 79th Congress

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * *

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

Rule X

SEC. 121. STANDING COMMITTEES

* * * * * * *

17. Committee on Un-American Activities, to consist of nine Members.

Rule XI

POWERS AND DUTIES OF COMMITTEES

* * * * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American Activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 84TH CONGRESS

House Resolution 5, January 5, 1955

* * * * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

* * * * * * *

(q) Committee on Un-American Activities, to consist of nine Members.

* * * * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * * * *

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INVESTIGATION OF COMMUNIST ACTIVITIES, NEW YORK AREA—PART VII

(Entertainment)

WEDNESDAY, AUGUST 17, 1955

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
New York, N. Y.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met at 10:20 a. m., pursuant to recess, in room 1703 of the Federal Building, Foley Square, New York, N. Y., Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representatives Walter, Willis, and Scherer.

Staff members present: Frank S. Tavenner, Jr., counsel; Donald T. Appell and Frank Bonora, investigators; and Thomas W. Beale, Sr., chief clerk.

Chairman WALTER. The committee will be in order.

Mr. Tavenner, call your first witness.

Mr. TAVENNER. Mr. George Hall, will you come forward?

Chairman WALTER. Will you raise your right hand?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HALL. I do.

TESTIMONY OF GEORGE HALL

Mr. TAVENNER. You are Mr. George Hall?

Mr. HALL. That is right.

Mr. TAVENNER. It is noted that you are not accompanied by counsel. It is the practice of the committee to advise all witnesses that they have a right to counsel, and if during the course of their interrogation, they desire to consult counsel, an opportunity will be given them.

Mr. HALL. I am satisfied with my own opinion, sir.

Mr. TAVENNER. When and where were you born, Mr. Hall?

Mr. HALL. Toronto, Canada.

Mr. TAVENNER. When did you come to this country?

Mr. HALL. In 1938.

Mr. TAVENNER. From Canada?

Mr. HALL. Yes, sir.

Mr. TAVENNER. Are you a naturalized American citizen?

Mr. HALL. Yes, sir. I became a citizen in Waco, Tex., February 1943, while I was in the United States Army.

Mr. TAVENNER. For what period of time did you serve in the Armed Forces of the United States?

Mr. HALL. From 1942 to 1946, 3 years and 3 months and 14 days.

Mr. TAVENNER. What is your occupation?

Mr. HALL. I am an actor.

Mr. TAVENNER. Do you reside in the city of New York?

Mr. HALL. Yes, sir.

Mr. TAVENNER. Where have you engaged in your occupation or profession? Has it been exclusively in the city of New York?

Mr. HALL. No, sir. I have been practically all over the country in the pursuit of my profession.

Mr. TAVENNER. But New York has been your headquarters?

Mr. HALL. That is right; yes, sir.

Mr. TAVENNER. How long have you been engaged in the acting profession professionally?

Mr. HALL. Professionally in New York since 1946, but sort of semi-professionally and amateurishly, I guess you might say all of my life, all of my adult life.

Mr. TAVENNER. Will you tell the committee, please, what your stage credits have been?

Mr. HALL. Call Me Mister, High Button Shoes, Insect Comedy, Londoner, Touch and Go, Live Wire, An Anonymous Lover, Jones Beach Spectacle, and Stockade; and a great many things in stock and what have you.

In New York specifically, I was in Call Me Mister, Londoner, Touch and Go, The Insect Comedy, and The Live Wire, and the off-Broadway production of Stockade.

Mr. TAVENNER. Have you also been active in the field of television?

Mr. HALL. Yes, sir.

Mr. TAVENNER. Do you have any special television credits?

Mr. HALL. Well, I have been on the Ed Sullivan Show twice, on Celebrity Time, many many times. And the last TV show I did was the Man Behind the Badge, CBS production, and there have been quite a few TV shows, and it is difficult to remember them all.

Mr. TAVENNER. Have you also been engaged in the field of radio?

Mr. HALL. Yes.

Mr. TAVENNER. What radio programs have you engaged in?

Mr. HALL. My radio activity has been mostly on the soap opera called, Pepper Young's Family, which I have done on and off for quite a number of years.

Mr. TAVENNER. What was the first stage production that you took part in?

Mr. HALL. Call Me Mister.

Mr. TAVENNER. When was that?

Mr. HALL. The first New York professional production, in 1946.

Mr. TAVENNER. How long were you engaged in that show?

Mr. HALL. I think a year and two months.

Mr. TAVENNER. Will you tell the committee please whether or not during the period you were employed in the production of that show you were a member of the Communist Party?

Mr. HALL. I was a member of the Communist Party from about July or August of 1946 through 1947. During that time I was a card-holding member of the Communist Party.

Mr. TAVENNER. You were a member of the Communist Party then for a period of about 1½ years?

Mr. HALL. Yes, and during that period of 1½ years, I was out of town part of it, summer stock, and what have you, and so actually my active participation as a Communist card-holding member, would be about 9 months of the actual New York participation, during that year and a half period.

Mr. TAVENNER. Will you tell the committee, please, the circumstances under which you were recruited or became a member of the Communist Party?

Mr. HALL. I would like to make it very clear, if I may, that no one, and I would like to specify, no one specifically influenced me or persuaded me or cajoled me or talked me into becoming a member of the Communist Party. This blunder was mine, and I take full responsibility for it.

Previous to my Army service, and during my Army service, I spent a good deal of time in certain regions of our country where I saw things which I interpreted in let us say, an immature intellectually, but an emotional way. The interpretation of these incidents and things prompted me to rebel against what you might call the status quo. I was looking, I suppose, for an association that appeared at any rate emotionally to substantiate my feelings at that time. I took on a kind of, and a pompous big brother attitude, I think, during this period of my life, and very pompous and a big brother attitude toward certain racial minorities who needed my help like they need a hole in the head.

As I study history a little bit, recent history, and much less than recent history, one realizes that leadership in the people themselves of the specific group that I pompously tried to big brother, don't need anyone but themselves.

Now, I joined the Communist Party because they gave me the impression that they, too, felt as I did about these problems. It didn't occur to me until some time later that this particular minority group of whom I was pompously acting as a big brother, had more freedom, and more individual right.

Chairman WALTER. Just suspend here. I asked you men to stop taking pictures, and you know the rules. Even after I told you a minute ago, you went ahead and took pictures. Now this is very disconcerting.

Go ahead, Mr. Hall.

Mr. HALL. I discovered in this country under this Government, these people have more individual liberty and rights and opportunity for personal attainment and achievement, 99.9 percent more I would say than they have under the government of their own national fatherland. It took me some time to realize these things but I eventually did.

Mr. TAVENNER. What opportunity presented itself to you to become a member of the Communist Party during the period of time you were employed in the production of Call Me Mister?

Mr. HALL. I think in effect, sir, in actual fact, I sought it out myself. However, there were a couple of people in the cast, and in the stage management of the show, who also apparently felt as I did about these things, and it was through them that I made my first specific contact and became a cardholding member of the Communist

Party. These two people were specifically, Alan Manson and David Kanter.

Mr. TAVENNER. How was this contact with the Communist Party achieved?

Chairman WALTER. Just a moment. What were the names?

Mr. HALL. Alan Manson, and David Kanter.

The contact was made quite simply by my going to hear someone talk, as you might say, and I became a cardholding member.

I don't recall at that time, in 1946, which would be July or August, going anywhere and signing up for a card. After I went to a meeting, a cell meeting, you might call it, I guess, I was later given a card. I must have signed something, and you just don't do this thing without signing something, and I must have signed something, and I got a card. I became a cardholding member.

Mr. TAVENNER. Were both of the individuals you mentioned connected with the production of Call Me Mister?

Mr. HALL. Yes, they were, but I would like to make it very specific that this is not to give the impression that the show Call Me Mister was Communist ridden. It certainly was not.

Mr. TAVENNER. I understand. What positions or what part did each of those persons have?

Mr. HALL. Mr. Manson was an actor like myself, and Mr. Kanter was assistant stage manager.

Mr. TAVENNER. Do you recall how your attention was brought to this meeting that was to be held, and which you attended?

Mr. HALL. I recall Mr. Kanter saying, "I would like you to hear someone talk," and I recall answering immediately, "You don't have to talk me into anything, I am all for it."

In other words, I would like to make it very clear and specific that I was the one actually doing the searching and finding out the place to go and how to get contact.

Mr. TAVENNER. Were either of those two gentlemen at that meeting?

Mr. HALL. Alan Manson.

Mr. TAVENNER. Did Mr. Kanter appear at the meeting or accompany you to the meeting?

Mr. HALL. No, I don't recall the actual physical aspects of my arriving at the meeting, and I just know that I went there and I don't recall the physical aspects of it at all.

Mr. TAVENNER. Did you have any knowledge of the time and place of the meeting other than that which was given you by Mr. Kanter?

Mr. HALL. No, I don't have any specific recollection of where I went the first time.

Mr. TAVENNER. What I am getting at is, how you learned where the meeting was to be held, the day of the meeting, and the time of the meeting.

Mr. HALL. I must have been told at that time, and I was told at that time, evidently.

Mr. TAVENNER. By whom?

Mr. HALL. By Mr. Kanter.

Mr. TAVENNER. As a result of your attendance at that meeting, I understand that you became a member of the Communist Party?

Mr. HALL. That is right.

Mr. TAVENNER. Did you become a member at that meeting?

Mr. HALL. I don't recall. It must have been very, very shortly afterwards, but I don't quite recall.

Mr. TAVENNER. Were you a member of Actors Equity during this period of time?

Mr. HALL. One cannot work as an actor without being a member of Actors Equity.

Mr. TAVENNER. Were you assigned to any particular group of the Communist Party, or did you stay with the group with which you met?

Mr. HALL. No, I more or less stayed with the group in which I met, which was, if I recall correctly, Midtown Branch, or something of that nature, and it had a designation of that kind. I think it was called Midtown.

Mr. TAVENNER. Were there other members of Actors Equity in that group of the Communist Party?

Mr. HALL. Yes.

Mr. TAVENNER. About how many persons composed the group?

Mr. HALL. I would say approximately 15, maybe more, and maybe a little less.

Mr. TAVENNER. Did you become acquainted, or did you learn the names of the persons who were in this group, that is, their last names?

Mr. HALL. Some of them, yes, not all of them. Oftentimes you would just know a person by their first name, but some of them I knew by their full names.

Mr. TAVENNER. How many of this group of approximately 15 are you able to identify now?

Mr. HALL. About 6 or 7, I think.

Mr. TAVENNER. Were they for the most part members of Actors Equity?

Mr. HALL. Yes.

Mr. TAVENNER. Will you give us their names, please?

Mr. HALL. Yes. John Randolph; Sarah Cunningham——

Mr. TAVENNER. Was Sarah Cunningham the wife of John Randolph?

Mr. HALL. That is correct. Alan Manson; Joshua Shelley; George Keane.

Mr. TAVENNER. Not quite so rapidly.

Is Alan Manson the same individual with whom you talked prior to going to the meeting?

Mr. HALL. Yes. Alan Manson never talked to me specifically about coming to the meeting, it was just conversation with Alan.

Mr. TAVENNER. Very well, I think you said Shelley?

Mr. HALL. Joshua Shelley.

Mr. TAVENNER. Was Joshua Shelley employed at that time in the production of any stage play?

Mr. HALL. I don't recall to tell you the truth.

Mr. TAVENNER. Was he an actor?

Mr. HALL. Yes.

Mr. TAVENNER. Was he a member of Actors Equity?

Mr. HALL. Yes, I presume.

Mr. TAVENNER. What other persons can you now recall?

Mr. HALL. I think that is all.

Mr. TAVENNER. Do you know a person by the name of George Keane?

Mr. HALL. Yes.
Mr. TAVENNER. Had you mentioned him?
Mr. HALL. He was a member of that group.
Mr. TAVENNER. In what profession was George Keane?
Mr. HALL. We were all actors.
Mr. TAVENNER. Were you acquainted with his wife?
Mr. HALL. Yes.
Mr. TAVENNER. Was she a member of this group?
Mr. HALL. Yes.
Mr. TAVENNER. Do you recall her stage name?
Mr. HALL. Betty Winkler.
Mr. TAVENNER. W-i-n-k-l-e-r?
Mr. HALL. To the best of my knowledge.
Mr. TAVENNER. During the period of 9 months, which you said was the approximate period when you were in the city of New York while a member of the Communist Party, how many meetings do you think that you attended?
Mr. HALL. Over the entire year and a half period, during which I was a Communist cardholding member, I doubt that I attended any more than 15 cell meetings, which were supposed to be attended weekly.
Mr. TAVENNER. Will you tell the committee what use the Communist Party made of you, as a member?
Mr. HALL. I was an entertainer, and I did nothing but entertain.
Mr. TAVENNER. Tell the committee in more detail what you mean.
Mr. HALL. At fund-raising parties; these fund-raising parties were just ordinary parties such as anyone of us might have in their house, but the purpose of the part was to raise funds for Communist Party activities. You would pay perhaps $1 to go to the party and then you would pay 75 cents or $1 apiece for your drinks while you were at the party. I would entertain, and others would entertain at the party.
Mr. TAVENNER. Were you called to perform those services frequently?
Mr. HALL. Well, I wouldn't say "frequently." I did a few of them but not a great many.
Mr. TAVENNER. How did you receive your notice or request to take part in such activity?
Mr. HALL. Usually by telephone call or just by personal contact. I cannot remember specifically the names of anyone who specifically called me at any time or spoke to me at any time at one of these affairs, but that is how it was done.
Mr. TAVENNER. That was your contribution to the work of the Communist Party?
Mr. HALL. Entirely.
Mr. TAVENNER. And of course that was performing an important function as far as the raising of funds was concerned?
Mr. HALL. That is right; yes.
Mr. TAVENNER. Where were these fund-raising parties usually held?
Mr. HALL. At private homes, private apartments, and I can be no more specific than that, they were just private apartments, and I would not know whose specific apartment it was, you know. It was not necessarily, or none of the people I have named, for instance, ever gave, to my knowledge, a fund-raising party. At least I never attended

any such party. The parties I did attend were in the apartments of people quite unknown to me.

Mr. TAVENNER. But the parties were at the instance of the Communist Party?

Mr. HALL. Yes.

Mr. TAVENNER. Do you have any knowledge of the amount of funds raised by these parties?

Mr. HALL. None whatsoever.

Mr. TAVENNER. Or the use made of the funds?

Mr. HALL. None whatsoever.

Mr. TAVENNER. What would be the normal attendance at these parties?

Mr. HALL. That would vary. There were liable to be as many as 60 people at one of the parties, or there was liable to be 160, and it would depend on how big the apartment was and how well the affair was organized.

Mr. TAVENNER. Can you give the committee an idea of the approximate number of such fund-raising parties that you were asked to take part in?

Mr. HALL. I would say I did no more than about 5 of them, and I think that is an outside figure.

Mr. TAVENNER. Were you aware of other fund-raising parties being conducted on a similar basis, with other persons as entertainers?

Mr. HALL. I was not specifically aware of them, and I knew they went on, but I was not specifically aware of them.

Mr. TAVENNER. You didn't attend them or you were not given notice about them?

Mr. HALL. No.

Mr. TAVENNER. Were you called upon to participate in fund-raising campaigns by what are normally referred to as "Communist front organizations"?

Mr. HALL. What sort of campaigns?

Mr. TAVENNER. Fund-raising campaigns on a larger scale for organizations which are not under the label of the Communist Party.

Mr. HALL. I don't recall anything specifically fund raising. You mean an affair?

Mr. TAVENNER. With these affairs at which admission was charged.

Mr. HALL. I find it difficult to answer that because I never paid admission, and I was always on the bill. I don't know specifically whether there was a charge for attendance or not, and I can't remember.

Mr. TAVENNER. Where were the meetings of the Communist Party normally held at which you attended?

Mr. HALL. The cell to which I belonged; the Royalton Hotel, 44th and 6th Avenue.

Mr. TAVENNER. Was that a private apartment?

Mr. HALL. It was someone's apartment, someone's private suite, I assume, and I never knew who the occupant of the suite was.

Mr. TAVENNER. Were there any occasions when the meetings were held at other places?

Mr. HALL. There was one other occasion that I specifically remember, but it was just someplace in the seventies, and whose apartment it was, I do not recall.

Mr. TAVENNER. Were you in the Communist Party only during one period when reregistration was required?

Mr. HALL. That is correct.

Mr. TAVENNER. If you joined in August 1946, and left the party in 1947, would you have been required to register?

Mr. HALL. Yes.

Mr. TAVENNER. Was the practice normally to register near the end, or probably in December of 1946?

Mr. HALL. Yes.

Mr. TAVENNER. Of course that was registration for the year 1947?

Mr. HALL. That is correct.

Mr. TAVENNER. Where did you actually register?

Mr. HALL. At a private apartment.

Mr. TAVENNER. How were you directed to go to that private apartment?

Mr. HALL. I can't remember that, you just were told where to go, or someone told me.

Mr. TAVENNER. Someone told you to go there to reregister?

Mr. HALL. Yes.

Mr. TAVENNER. Whose apartment was that?

Mr. HALL. Irma Jurist's.

Mr. WILLIS. Was that the lady who testified here yesterday?

Mr. TAVENNER. Yes; she testified late in the afternoon.

Did that registration for 1947 take place in her apartment?

Mr. HALL. Yes.

Mr. TAVENNER. Did you see her present?

Mr. HALL. Yes.

Mr. TAVENNER. How was that registration taken; will you describe it?

Mr. HALL. There was someone whom I never knew, and I don't recall, of course, who was sitting at a little table, or desk, and you just went up and registered, and you went out.

Mr. TAVENNER. Did that individual have any list of members as far as you know, in order to ascertain who were entitled to reregister?

Mr. HALL. Yes; he had a list.

Mr. TAVENNER. You do not know who that functionary of the Communist Party was?

Mr. HALL. No; I have no ideas.

Mr. TAVENNER. Did you see other people go to the place of registration and leave?

Mr. HALL. Yes; there were a lot of people there, but I don't recall who they were.

Mr. TAVENNER. You don't know their names?

Mr. HALL. No; I don't recall.

Mr. TAVENNER. But were people there, reregistering who were not members of your cell or group of the Communist Party?

Mr. HALL. Oh, yes, indeed.

Mr. TAVENNER. How did you know that was the apartment of Irma Jurist?

Mr. HALL. Because I had previous to that, or because later at that same apartment, I rehearsed some material that Irma Jurist had written, and I knew it was her apartment, and she plays the piano.

Mr. TAVENNER. What was the occasion for your rehearsing at her home?

Mr. HALL. During the Henry Wallace campaign, I did a couple of Show Time for Wallace affairs, and one was at a large midtown hotel, in which Mr. Wallace was the principal speaker, and the other was at Cafe Society downtown.

Mr. TAVENNER. What part did Irma Jurist play in that?

Mr. HALL. I think Irma composed the music, and was the accompanist.

Mr. TAVENNER. And that is what you rehearsed in her home?

Mr. HALL. Yes.

Mr. TAVENNER. During the period of 1½ years in which you were in the Communist Party, did you become acquainted with other persons in the Communist Party who were not members of your own particular group?

Mr. HALL. Yes, sir.

Mr. TAVENNER. I do not want you to attempt to surmise about membership of any individual, but if any of these other persons that you have in mind attended a Communist Party meeting which you attended, then I think it would be sufficient identification to give their names, but if they did not, I don't want to ask you in public session about it.

Mr. HALL. I don't recall specifically, sir, any names. I cannot be specific about that, really.

Mr. TAVENNER. But there are other individuals besides those you have named that you have reason to believe were members of the Communist Party?

Mr. HALL. Yes, you take for granted. During that particular period, I don't know how it is today, but during that particular period, people talked, and talked, and talked, and you sort of just took for granted that if a man talked the same language that you did, he also was a member of the Communist Party. You just sort of take that for granted. But you cannot be specific about it.

Mr. WILLIS. It would be something like this, that if you go to a Knights of Columbus lodge affair, you pretty well have a right to assume that they are Catholics, most of them, around there belong to the lodge.

Mr. HALL. I have never been to a Knights of Columbus lodge; I wouldn't be entitled to assume anything.

Mr. WILLIS. Or any other fraternity in that sense? Having attended these meetings, and you being a Communist at the time, and knowing some specifically around you who were Communists, it is in that contention that you sort of assumed that they belonged to the lodge, which I think is a logical thing, myself.

Mr. HALL. That is correct.

Mr. TAVENNER. You would also assume, would you not, that persons who were in attendance at these fund raising occasions, where you had been requested by the Communist Party to appear, were in most instances members of the Communist Party?

Mr. HALL. That is a difficult question to be specific about. Communism was never discussed to my knowledge at these parties. It was just plainly and simply a party, like anyone else's party. Now, it may very well be that a considerable number of the people present were not Communists.

Mr. TAVENNER. As I said before, I do not want you to speculate about membership, and I think that the committee should know

or should have the benefit of more of your knowledge on that subject, but not in public session. Possibly the committee would want to hear it in executive session.

Mr. SCHERER. I think the suggestion of counsel is a good one, Mr. Chairman.

Chairman WALTER. It follows our usual practice.

Proceed, Mr. Tavenner.

Mr. TAVENNER. You have stated that during this period of time when you were a member of the Communist Party, you were a member of Actors Equity?

Mr. HALL. Yes.

Mr. TAVENNER. Before I come to that, I want to ask you something else. Were you given, or expected to make a study of Communist Party literature and documents and texts while a member of the party?

Mr. HALL. Yes; I think one takes for granted that one should do that.

Mr. TAVENNER. Did you?

Mr. HALL. No; I never did.

Mr. TAVENNER. Were you given documents or did you obtain documents for that purpose?

Mr. HALL. I purchased one book, which was a history of the Communist Party, and I read the first chapter, and I never have read anything further on the book.

Mr. TAVENNER. When you said, "history of the Communist Party," you meant to describe the book, The History of the Communist Party of the Soviet Union, did you not?

Mr. HALL. I think so. I purchased the book a long time ago, and I imagine that is the book.

Mr. TAVENNER. Was the Communist Party literature made available to the membership at the meetings that were held?

Mr. HALL. At the cell meetings, yes, sir, mostly little pamphlets, 3 cents, or 5 cents.

Mr. TAVENNER. Do you recall whether or not any functionary of the Communist Party on a higher level appeared at any of the meetings that you attended, for indoctrination purposes?

Mr. HALL. No, sir; I don't recall any Communist Party member other than the sort of member I would be, being present at any of these cell meetings.

Mr. TAVENNER. Were the problems of Actors Equity discussed in your Communist Party meetings?

Mr. HALL. Yes.

Mr. TAVENNER. How would that usually occur?

Mr. HALL. Well, it may be a discussion on a resolution that might be coming up, or something of that nature, and I cannot recall specific discussions, and what they were about, but the discussions would be sometimes having to do with Actors Equity business, or they might be just a little dissertation on culture in the Soviet Union, or something of that nature.

Mr. TAVENNER. Did you hear discussed within your Communist Party group the matter of holding caucuses within Actors Equity?

Mr. HALL. Yes, I recall, and I do recall that, and I recall being invited to attend the caucus, 1 or 2 of them, but I don't recall ever attending one. I may have, and I am not saying that I didn't, but I don't.

recall ever attending a caucus anywhere. But I do remember being told about one, and asked to attend.

Mr. TAVENNER. Did you receive any directions from the Communist Party as to how you should vote in business affairs of Actors Equity?

Mr. HALL. Not from the Communist Party, specifically, but from individuals whom I knew to be Communists, at a couple of Equity meetings I recall when election time came around, I would be handed a piece of paper, and I would be told that was the slate, and I would vote the slate for the people that were chosen, and maybe 4 or 5 or 6 people on the slate which they specifically wanted me to vote for.

Mr. SCHERER. Were the members on that slate known to you to be members of the Communist Party?

Mr. HALL. Not specifically, no. They would not have to be known to me as Communists, but I was told who to vote for.

Mr. SCHERER. Did you know the person who told you how to vote, to be a Communist?

Mr. HALL. Yes.

Chairman WALTER. Do you know how these names were selected?

Mr. HALL. I have no idea.

Chairman WALTER. Was there any democratic process employed to select the slate?

Mr. HALL. In Actors Equity the slate is democratically arrived at, but this did not consist of a specific slate that the Communists had gotten together and specified that I was to vote for, but these were members of the already nominated people whom the Communists wanted me to help get in.

Mr. TAVENNER. And as a member of the Communist Party, you accepted the directive, or the suggestion that was made to you?

Mr. HALL. Without comment.

Mr. TAVENNER. In fact, during the period of your membership, you did pretty well what you were directed to do by the Communist Party?

Mr. HALL. Yes, but what I was directed to do mainly was to entertain, and whenever I was asked to entertain somewhere, I would usually just go along, and say "sure" and turn up with my little piece of special material and get some laughs, and that was it.

Mr. SCHERER. You weren't paid for doing that, were you?

Mr. HALL. No, indeed.

Mr. SCHERER. That was your contribution to the party?

Mr. HALL. Oh yes.

Mr. SCHERER. In addition to that contribution, did you make any financial contributions in the way of dues?

Mr. HALL. Yes, one pays dues, and I paid dues, and I can't remember how much they were, and they were not very big.

Mr. SCHERER. Your contribution to the party was the supplying of your talents at the fund raising meetings and the paying of nominal dues?

Mr. HALL. That is right.

Chairman WALTER. Did anyone ever make an accounting of the money that came as a result or was received as a result of this entertainment?

Mr. HALL. Not to me, sir.

Mr. TAVENNER. You told the committee the reasons why you joined the Communist Party, and you spoke of it as having been a mistake. What did you mean by that?

Mr. HALL. A mistake in the sense that I concluded that it is a distortion of the simple truth of democratic processes. For instance, it was said, or the fifth amendment was used or "invasion of privacies" was used as an excuse for not answering, and one of the reasons was that someone's ancestors came to this country many, many years ago, and signed the declaration, and what have you, and the witnesses testified that they were following what they felt the ancestors would want them to do. But I don't think the point was made clear that those specific ancestors fought, died, and created this country on the basis of a 2-party system, and I think they would be twirling in their graves if they thought this ancestor of today was fighting for a 1-party dictatorship.

That is what I want to avoid most specifically, and I learned to realize that was coming about, and it was a one-party dictatorship, which is more of an invasion of privacy than any use of any gem which this Constitution gives to citizens of this country.

The 1-party dictatorship completely deprives, let us say, 50 percent of those who may choose to vote or are eligible to vote, by directing that there is only 1 choice. Our system provides us a choice to be right or wrong and to change our minds if we so choose to do so.

Mr. WILLIS. You think that the Communist Party is twisting the fifth amendment to its own use, and for its own purposes, rather than to honestly use it as it was intended by the forefathers that the party pretends to love so much?

Mr. HALL. Mr. Willis, I have a specific point of view about that. I think that there is no gem and no jewel in our Constitution greater than the fifth amendment given to us.

Mr. WILLIS. I agree with you 100 percent.

Mr. HALL. To protect us individually, it is a great thing. But I think that to us this thing, this fifth amendment, as a camouflage behind which you can or would perhaps destroy this country, is a very selfish use of it. It may sound on the surface to be very noble, and very brave, and very heroic under circumstances such as these to use the fifth amendment, particularly when you defiantly throw it in the teeth of a committee such as this. I think that is a lot of baloney.

In circumstances such as this, I think refusal to talk is politically so naive as to be almost childish. I think it is the easy way out. I think it is frankly cowardly, and I think it is very selfish. I think also that it is a very, very nice full skirt to hide behind, this wonderful fifth amendment, but it is going to become so crowded behind that skirt one day that Miss Liberty who wears it is going to lift her skirt up by the hems and walk away.

Chairman WALTER. Of course, the people that invoke the fifth amendment have never read the debates that occurred at the time it was adopted. The fifth amendment was intended to protect people in criminal cases. This is not a criminal case, it is a congressional inquiry.

Mr. HALL. That is specifically what I mean. I have committed no crime to my knowledge, and the instincts and motivations that prompted me to act as I did, I apologize to no man for them. My instincts

were right, I think, in the terms of my love for my fellow man, and my desire to be the enemy of no man, and my desire to help those I considered less fortunate than myself, and these instincts I do not apologize for to any man. But the blunder I made and the grave error I made was in the activizing, the putting into action of those principles through this Communist Party which I am clearly convinced and have been for many years now is designed to destroy the very liberties which people use to protect themselves, against admitting that they had any intention of destroying the Government which creates those liberties. I think it is a lot of damn nonsense.

Mr. TAVENNER. Then I take it that you did not find in the Communist Party an answer to the things that took you into the Communist Party to begin with?

Mr. HALL. I have found, or I have lived these past 5 or 6 or 7 years in such a clouded state of mind, in the realization that I made an error, and the realization that I must correct this error, and what to do about it over a period of years was a confusion that sent me to doctors with psychosomatic pains and what the hell have you, and sent me to analysts and all of the rest of it.

Well, today I am making my stand very, very clear indeed.

Mr. WILLIS. Let me say to you, sir, that you had the courage to say that you joined the Communist Party of your own free will, and nobody cajoled you or urged you or influenced you.

Mr. HALL. That is correct.

Mr. WILLIS. And using that same fine free will of yours, you have come to the conclusion that it was wrong, and now today you have the courage to recant in the way you speak. I think that you feel sorry for it, but you want the world to know how you feel about it. I certainly compliment you on your courage to come here and say so. I I think that there are others whom we have summoned here who would like to do the same as you did. I hope they will take a page from your book.

Mr. HALL. There is a great atmosphere of fear. On March 5 of 1954, I made up my mind specifically what I wanted to do, and I did it. I went to the FBI on March 5 of 1954 and told them substantially what I am telling you today, and I wrote an eight and a half page document which I sent through the mail to this committee, or it was sent through the mail to this committee on May 24 of 1954.

I am happy to testify today in public so that the American people and everyone else who is interested will know exactly where I stand today. I was going to say what I have in my heart because I know how I felt, and the Communists will loathe me for this, and they are going to loathe me today for what I am doing, and I say to hell with them, and let them loathe me.

Mr. WALTER. You should be proud of that.

Mr. HALL. During the past 6 or 7 years I have met people that I never had the opportunity to meet in those fast and furious days when I first became involved in all of these things, and I am going to be much prouder of the new friends that I have made in the past 5 years than I am going to regret the enemies that I am going to make today.

Mr. WILLIS. You will not be alone in that, but you are going to be called ungrateful, and you are going to be criticized, and you are going to be called a stool pigeon, but you are going to have the majority

of the people on your side. Our mail is 99 percent in favor of these hearings, but we get cards from people who don't have the guts to sign them. For instance, here is one this morning. It says, referring to our committee, that we are hacking away at the integrity of our immortal Constitution "to the eternal shame on the lot of you hacks," meaning our good chairman and the members of this committee.

Let me tell you who is on your side. The chairman explained the other day that every single Member of Congress on the House side, 435 of us, Democrats and Republicans from all over this Nation, voted to make possible funds for these hearings. Now, Congressmen are just individuals, just like you, but we have a pretty good sense and a pretty good finger on the pulse of how the people feel. Don't you worry about those who are going to loathe you.

Mr. HALL. Let me assure you I am not worried.

Mr. WILLIS. The majority of the people are going to be on your side, if you are really contrite in what you did, and "a good confession is always good for the soul." You are going to be all right.

Mr. HALL. I don't want to use the word "confession," and I will not use the word "confession" because that implies that I have willfully done something wrong, and I have not.

Mr. WILLIS. I have used it in the sense of a quotation.

Mr. WALTER. I think that since we have been in New York I have received 250 communications from people in every walk of life in New York and in this community. However, the vast majority of letters come from people in the theatrical profession, many of whom say that the only blacklist they ever heard of is the blacklist of those who were not Communists or pro-Communists.

I have just turned over to one of our investigators twenty-odd letters to that effect. It seems to me that we have been furnished with sufficient evidence that a preference in employment has been given to those people who were either members of the Communist Party or who adhered to the leadership of the Communist Party. I think we ought to find out about that.

Proceed, Mr. Tavenner.

Mr. TAVENNER. After the time that you ceased to attend Communist Party meetings, and considered yourself no longer a Communist Party member, were you still called upon on occasions to exercise your talent?

Mr. HALL. Yes, sir.

Mr. TAVENNER. By this group or people or agents of the group?

Mr. HALL. Yes, sir. Communism is a deceptive thing, and you may no longer be a Communist as I was not after the season of 1947, and I was not a card-holding member, but the thing just doesn't go off you like water off a duck's back. The illusions that you had, or the convictions that you had, may they be humanitarian, mine were always humanitarian, and I was never a political Communist. But these things just don't fall off you, and they have never fallen off me.

The social conscience and in the sense of justice that I had as a Communist, I have even stronger today because I have seen the distortion. But you don't get rid of it in a hurry.

In 1948 and in 1949 I was still lending my small talents to various causes which were what you might call leftwing, which were leftwing and which were perhaps sponsored by the Communist Party.

Mr. TAVENNER. I think that you have made it clear that you are no longer a member of the Communist Party and you have not been a

member for a considerable period of time, and that during the period of your membership you were never a student of communism and you never made a study of it, but you did lend your talents to perform the duties assigned you while you were in the party?

Mr. HALL. Yes.

Mr. TAVENNER. I have no further questions.

Mr. WALTER. Are there any other questions?

Mr. Hall, I want to express the appreciation not only of myself but of the members of the subcommittee——

Mr. WILLIS. You could extend that to the whole Congress, Mr. Chairman.

Mr. WALTER. Yes, I will take that responsibility, the whole Congress, for what you have done here today. It is not easy, and it is not any easier on you than it has been on these other brave people who have come forward in an attempt to preserve the institutions that are so sacred to America and so necessary for the preservation of the stability of the world. It is not easy. I should not like to be called a stool pigeon, and I am sure that that appellation will be applied to you.

But let me tell you something: Every patriot in the history of America has been proud of the enemies that he has made, and I am sure that you will be proud as you go along in life of the enemies that you have made. Your contribution here cannot be appraised. It may well be that it is equal to that of a division of infantry, and nobody knows in this cold war to what extent this sort of a revelation has contributed to ultimate victory—and the victory will be ultimate.

As we go along we are going to run into all sorts of impedimentia, and we are going to run into witnesses who would like to testify but who have not the courage, and other witnesses who have indicated that they intend to testify but have been dissuaded by Communist lawyers, and other witnesses who cannot testify because of pressures that are being applied. But nonetheless there is going to come the day when we are going to be out of this woods and all of this haziness that you have experienced will be dissipated.

When that day arrives, and you will live to see it, you can feel very happy of the contribution that you have made.

The committee will stand in recess for 10 minutes.

(Whereupon a short recess was taken.)

Chairman WALTER. Call your next witness, Mr. Tavenner.

Mr. TAVENNER. Miss Madeline Lee, will you come forward, please?

Mr. BOUDIN. I request no pictures be taken, and I know the chairman's prior instruction, and I repeat the request.

Chairman WALTER. There will be no pictures taken after the witness is sworn.

Mr. BOUDIN. That doesn't meet my request.

Chairman WALTER. Will you raise your right hand, please?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Miss LEE. I do.

TESTIMONY OF MISS MADELINE LEE, ACCOMPANIED BY HER COUNSEL, LEONARD B. BOUDIN

Mr. BOUDIN. I thought we weren't going to have any pictures after the opening.

Chairman WALTER. We are not going to have any.
Mr. BOUDIN. I see some cameramen over there.
Chairman WALTER. I didn't see them.
Miss LEE. May I have a moment to get out my papers?
Chairman WALTER. Surely.
Now, are you ready?
Miss LEE. Yes, sir.
Mr. TAVENNER. Will you state your name, please?
Miss LEE. Madeline Lee.
Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record?
Mr. BOUDIN. Leonard B. Boudin, 25 Broad Street, New York.
Mr. TAVENNER. Is Madeline Lee your professional name?
Miss LEE. It is my legal name.
(Witness consulted with counsel.)
Miss LEE. That is my legal name, it was changed.
Mr. TAVENNER. Are you married?
Miss LEE. Yes, sir.
Mr. TAVENNER. Does your husband bear the last name of "Lee"?
Miss LEE. No, sir.
Mr. TAVENNER. What is your husband's name?
Miss LEE. Jack Guilford.
Mr. TAVENNER. And you have had your name changed from Guilford to Madeline Lee?
Miss LEE. No, sir. My name was changed from Madeline Letterman when I was a child, professional name, to Madeline Lee.
Mr. TAVENNER. And you go by that name?
Miss LEE. That is right.
Mr. TAVENNER. Do you have a middle name, or middle initial?
Miss LEE. Madeline Rosalind was my name on my birth certificate, it is Madeline Rosalind Letterman.
Mr. TAVENNER. Where do you reside?
Miss LEE. New York City.
Mr. TAVENNER. How long have you lived in New York City?
Miss LEE. All of my life.
Mr. TAVENNER. Were you born in New York?
Miss LEE. Yes, sir.
Mr. TAVENNER. In what occupation or profession are you engaged?
Miss LEE. I am an actress.
Mr. TAVENNER. Would you tell the committee, please, what formal educational training you have had?
Miss LEE. New York City public schools. I graduated in 1940 from Walton High School with an award in social studies, and I took special courses at New York University in radio direction and production.
Mr. TAVENNER. Have you attended any other schools?
Miss LEE. That is the extent of what I would call my formal education.
Mr. TAVENNER. Have you attended any other schools?
(Witness consulted with counsel.)
Miss LEE. Could you be more specific, I can't recall?
Mr. TAVENNER. I can't make it any plainer than that.
Have you attended any other schools?
Mr. BOUDIN. Will you make it more specific, if not plainer?

Mr. WILLIS. That is a very simple question, Mr. Chairman. She said she graduated from high school and took a special course of some kind and now she is asked the question, "Did you attend any other schools?"

Mr. SCHERER. I agree with my colleague, and I think she should be directed to answer the question, Mr. Chairman.

Chairman WALTER. I direct you to answer the question.

(Witness consulted with counsel.)

Miss LEE. Do you have anything in mind?

Chairman WALTER. Of course he has something in mind. He is not asking questions just for fun.

I direct you to answer the question.

Miss LEE. Excuse me, Mr. Walter, I am not here for fun either, and I have been taken away from my three children at considerable expense.

Chairman WALTER. I direct you to answer this question.

Miss LEE. I am trying to, to the best of my ability.

I can't offhand recall any, and perhaps if he would refresh my memory, I would be glad to give you an answer.

Chairman WALTER. You can't recall any other schools that you attended? That is your answer?

Mr. TAVENNER. How long have you been engaged in the profession of acting?

Miss LEE. I began my professional acting career at the age of 4.

Mr. TAVENNER. Just a moment. How long have you been engaged in it on a commercial basis?

Miss LEE. At the age of 4. I began my professional acting career at the age of 4, as Tiny Tim, in a performance of Christmas Carol, one of the earliest radio dramatizations.

Do you want some more of my professional engagements?

Mr. TAVENNER. Yes, we would like to know what your major stage credits have been.

Miss LEE. Then followed many years as a child actress, in Wheatinaville, Tastiest Champions, and these I know are old programs, but they are part of radio history.

I was mistress of ceremonies of my own children's programs from about the time I was 8 until I was 14.

At 17 I was a director in training, I think you would call it, at the National Youth Administration Workshop, an excellent incubator of some of our current best radio and TV talents.

Mr. SCHERER. That was a Government project; was it not?

Miss LEE. Yes.

Mr. SCHERER. The National Youth Administration?

Miss LEE. Yes, sir.

Mr. TAVENNER. What years did that activity encompass?

Miss LEE. I am very bad on actual years, but I can tell you the age I was, though. It was from about the time I was 17 to 18, and I was born in 1923, so you add it. It took me a year or two of constant making of the rounds, mailings, auditions, and lessons to get started in radio. That is after I got out of high school.

But finally I lit on and developed a specialty that I was very good at, and I was needed in radio, playing parts of babies, and children, and I like children very much, and I am able to duplicate.

Mr. TAVENNER. All of that isn't necessary. Just give us your stage credits, please.

Miss LEE. It is very hard to understand the kind of work I do in radio.

Mr. TAVENNER. We will have no difficulty understanding it.

Miss LEE. Unless you know what I do. It sounds silly to be playing the part of a baby on a radio program unless you explain the nature of your employment.

I was employed most regularly on the Second Mrs. Burton; Pepper Young's Family; True Story; Land of the Lost; Phil Silvers; Henry Morgan; Columbia Workshop; Valiant Lady; Portia Faces Life; Ave Maria Hour; and Eternal Light and all of the major programs and all of the major networks.

I appeared on Broadway in 1942, in Maxwell Anderson's play about the war, The Eve of Saint Mark.

During the war I directed, produced, and appeared in shows at the only servicemen's canteen in the Bronx, for 72 consecutive weeks. I was given the highest honorary citation from the CDVO for those services.

It was about 1945, I think, that I appeared with Miss Ethel Barrymore in a play about a woman's deep religious devotion, produced by the Theater Guild, in Embezzled Heaven. I played a comic kitchen maid in that.

I did Chekhov's Ivanov——

Mr. BOUDIN. Mr. Chairman, will you be good enough to carry out your own instructions to the camermen, and direct that pictures not be taken? They are taking them during the witness' testimony.

Chairman WALTER. I can't see in back of me.

Go ahead, Mr. Tavenner.

Miss LEE. I said I was in Chekhov's Ivanov, an Equity Library production, and it was later repeated on one of the television stations, and one of the first TV dramatizations, from Schenectady.

As a child—Do you want my screen credits? As a child I won a contest to be the second Jean Darling and appeared with some Our Gang comedies; Penrod and Sam shorts; a short with Jack Benny called Taxi Tangle; and I was featured in a feature with Leo Carillo when I was 9; and as an adult I have been in a few commercial films, and a bit part in Naked City.

I haven't done too much on TV.

Mr. TAVENNER. What was your last appearance on TV?

Miss LEE. I have been blacklisted at the time TV began to open up for actors, and I have done very well, and far between jobs, on The Goldbergs; I Remember Mama; Jackie Gleason; Red Buttons; Studio One; Mr. Peepers; and mostly as the off-camera sound of a baby crying.

I have been married twice.

Mr. SCHERER. Did you do all of these things after you were blacklisted?

Miss LEE. Yes; I have been blacklisted for 5 years, and so these occasional things, I would be able to get, and an occasional call when Vincent Hartnett in Red Channels, and Aware, Inc., were not able to reach these employers with their inclusive lists. I——

Mr. SCHERER. This last list that you gave us——

Miss LEE. Excuse me, Mr. Scherer, I am not finished.

Mr. SCHERER. Just a minute.

Chairman WALTER. Just a moment, Mr. Scherer has asked you a question.

Mr. SCHERER. This last list that you read——

Mr. BOUDIN. May I interrupt, and remind you——

Chairman WALTER. You may not interrupt, and now just a moment.

Mr. BOUDIN. I ask that the cameras be stopped.

Chairman WALTER. Answer Mr. Scherer's question.

Mr. SCHERER. I didn't get a chance to finish it. She kept on talking. My question is, the last list of productions that you have appeared in, as I understand it, were productions that were subsequent to the time you say you were blacklisted, isn't that correct?

Miss LEE. Mostly, yes, sir.

Mr. SCHERER. That is all.

Mr. BOUDIN. Now that the question has been answered, Mr. Chairman, will you kindly see that the cameramen do not take pictures?

Chairman WALTER. They know the rules.

Mr. BOUDIN. You must enforce them, because you are the chairman.

Chairman WALTER. Proceed, Mr. Tavenner.

Mr. BOUDIN. May I ask whether you are going to enforce that rule?

Chairman WALTER. That is for me to decide.

Mr. BOUDIN. I want to know whether you are going to enforce the rule.

Miss LEE. I expected to work again this fall, but as I say, in answer to Mr. Scherer's question, these credits still went on for about a year after Red Channels came out, and Vincent Hartnett, and Counterattack, and Aware went after my employers and I was dropped from my jobs, and I have had a very hard time getting an occasional engagement.

But I expected to work again because after that, a situation developed where the membership there condemned the kind of smear lists that Aware, Inc., issues, and producers and directors were taking heart that their casting——

Mr. WILLIS. This is not responsive to the question that has been asked. She was asked about the nature of her credits.

Miss LEE. I am apologizing for my limited TV credits.

Mr. TAVENNER. I think we have a fair idea of the nature of your professional career.

Have you lived in the State of Connecticut at any time?

Miss LEE. I vacationed there; yes.

Mr. TAVENNER. Have you made New York your home most of the time?

Miss LEE. All of the time, yes, sir, I believe.

Mr. TAVENNER. In what part of Connecticut do you take your vacations?

Miss LEE. I have no regular vacation spot. I have vacationed there on occasion.

Mr. TAVENNER. As a member of your profession, are you a member of Actors Equity?

Miss LEE. Yes, sir.

Mr. TAVENNER. Are you also a member of the American Federation of Television and Radio Artists?

Miss LEE. Yes, sir. Incidentally, I agree with those witnesses that don't think that that is pertinent to this inquiry, but I am proud to be a member of those unions and to make it quite clear that they are subverted, dominated, and infiltrated by no one, and their own memberships operate those unions in a democratic fashion, and all decisions are arrived at openly and democratically, and this committee seems to be on a fishing exhibition.

Chairman WALTER. You mean "expedition," don't you?

Miss LEE. "Exhibition."

Chairman WALTER. I guess I know who is putting on the "exhibition."

Mr. TAVENNER. Are you aware of an instance in which the Communist Party or a member of the Communist Party endeavored to obtain action by Actors Equity as part of the Communist propaganda during the period of the trial of the 11 Communists under the Smith Act here at Foley Square?

(Witness consulted with counsel.)

Miss LEE. I don't understand that question.

Mr. TAVENNER. Read her the question.

(Whereupon the reporter read the pending question as above recorded.)

Miss LEE. I believe the minutes of Actors Equity are public, and you could ask Mr. Duncan, he is an official.

Chairman WALTER. I direct you to answer that question.

Mr. SCHERER. If she knows, she can answer and not tell us what the minutes show.

(Witness consulted with counsel.)

Miss LEE. I object to the question. That not only is probing into internal union affairs, but it is something that you could find out quite easily by going to the minutes of the Actors Equity.

Chairman WALTER. Have you any independent knowledge of such activities?

(Witness consulted with counsel.)

Mr. BOUDIN. Could we have the question repeated again?

Chairman WALTER. Now, if you would pay attention to me instead of carrying on a continuing conversation with your lawyer, maybe you would hear these questions.

Have you any independent knowledge or did you personally participate?

Miss LEE. I have a right to consult with my lawyer, and it was not a continuing conversation.

Chairman WALTER. You have no right. We are extending a privilege, and you have no right. It is a privilege that the committee extends, even though we know what the results of such conferences will be.

Mr. BOUDIN. I don't understand that remark, Mr. Walter, and I resent it, and I would like an apology from you right now. I am quite serious, and you are a member of the bar, as I am, and I think that I am entitled to an apology for your last remark, and you know very well what I mean.

Chairman WALTER. You bet I do.

Mr. BOUDIN. I want an apology.

Chairman WALTER. I think you protest too loud. You will get no apology.

I want to ask you this question, Miss Lee: Did you participate in such activities?

Miss LEE. I don't want any assumption that my attorney or anyone can dictate my answers here today, and they are dictated by my conscience and under the most severe pressure on the part of your subpena servicer in an attempt to get me to deliver false testimony, and I am making the charge that this committee coerces witnesses, and goes and has subpena servicers saying—are you interested in the fact that my testimony has been tampered with before I arrived here today?

Chairman WALTER. There has been no tampering with any testimony.

Miss LEE. My testimony has been tampered with.

Chairman WALTER. I am asking you whether you participated in any activities designed to affect in any possible way the trial of the 11 Communists here in Foley Square?

Miss LEE. No, sir.

Chairman WALTER. All right. Now go ahead.

Miss LEE. My testimony has been tampered with today and I want it entered into the record and that is true of other witnesses. The shoe is on the other foot, and newspaper statements have been issued.

Chairman WALTER. You have not been asked a question.

Miss LEE. Is the committee interested in that kind of pressure?

Chairman WALTER. Why don't you refer it to the United States attorney? That is the way to do it and get a prosecution of somebody.

Miss LEE. Perhaps I will.

Chairman WALTER. I hope you do.

Miss LEE. Well then the pressure, threats, and bribery and blackmail exercised on witnesses to cooperate with the committee is not of interest to the committee? Am I to take it that way?

Chairman WALTER. You answer this question.

Mr. TAVENNER. It is quite apparent what you are trying to do, and now let us come back to the issue.

Miss LEE. I answered your question, "No, sir."

Chairman WALTER. Now, let us have another question.

Mr. SCHERER. Just a moment, Mr. Chairman.

Miss LEE. Why aren't you interested in the fact that you are telling witnesses——

Chairman WALTER. Will you wait a minute, until Mr. Tavenner can ask a question?

Miss LEE. Aware, Inc., will get up in front of the union and have us put out of the union.

Chairman WALTER. Will you ask a question, Mr. Tavenner?

Mr. TAVENNER. What's the use?

Chairman WALTER. Go ahead and ask a question.

Mr. TAVENNER. Will you tell the committee whether or not there was a group of persons within either of the organizations mentioned, that is, Actors Equity or the American Federation of Television and Radio Artists, composed chiefly of members of the Communist Party?

(Witness consulted with counsel.)

Miss LEE. The Communist label about Communist groups has been stuck on anybody and everybody who organizes against the blacklist in our industry. Aware, Inc., issues these smear lists and you get up on the floor of the union and you say, "Those people have no right

to interfere with my employment regardless of my activities as a citizen," and they say, "That is a Communist group in AFTRA, and Equity, that is trying to stop the blacklist when they are trying to help producers and directors to return to the American principle of hiring on the basis of talent alone," and on the basis of what I am saying here today, I will be punished, and cooperative witnesses rewarded, and that is not a high purpose on the part of a congressional committee.

Mr. TAVENNER. Now that you have made your speech, will you answer my question?

(Witness consulted with counsel.)

Miss LEE. It is a matter of opinion, Mr. Tavenner.

Chairman WALTER. I direct you to answer that question.

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer the question asked by Mr. Tavenner, and I want to keep this record straight in case we are going to have a contempt citation.

Chairman WALTER. I have already directed that she answer.

Miss LEE. Is that a threat, Mr. Scherer?

I am trying to testify to the facts but you don't seem to want them.

Chairman WALTER. Answer the question.

(Witness consulted with counsel.)

Miss LEE. The placing of a witness under compulsion to divulge what happens on their union floor, although it is a matter of public record, and easily accessible, is merely for the purpose of extending that blacklist and making me one of those people on that list, because I have never approved of anything that this committee does.

Mr. TAVENNER. Will you answer the question?

Miss LEE. And I never will. So I am trying to answer it to the best of my ability.

Mr. SCHERER. I submit, Mr. Chairman, she has not answered the question, and in my opinion she is guilty of contempt. She has had an opportunity to answer it and she hasn't answered it or invoked any privilege, and I suggest we proceed to the next question.

Miss LEE. I have not stated my reasons.

Chairman WALTER. Ask the next question.

Miss LEE. I object, and I decline to answer on the basis of the first amendment.

Chairman WALTER. Don't decline until the question is asked.

Mr. BOUDIN. The witness is declining to the last question and you didn't give her a chance to complete her last answer, and will you allow it to be stated for the record, if you please?

Miss LEE. I am declining on the basis of the first amendment, that you are prying into my personal affairs, beliefs, and opinions, and on the basis of the fourth amendment, that this is an illegal search and seizure of my property, and deprivation by due process of law of the only thing I have to sell in this industry—my talent and my good name. I also decline on the basis of the eighth amendment, that this is a cruel and unusual punishment that you are inflicting without due process of law, and on the basis of the fifth amendment, that you may not compel me to be a witness against myself.

Mr. WILLIS. I now state for the record that this witness said a while ago in her little speech that there were no groups dominating or influencing the activities of AFTRA or Actors Equity. I think she

waived all of those amendments which she has referred to, and I think the record should indicate that.

Chairman WALTER. I am sure the record does indicate that.

Miss LEE. This is like a game of tag, where you try to be as candid as possible, and three Congressmen are standing there waiting to say, "You waived your privilege." That is not fair.

Chairman WALTER. Do you want to be candid? I am glad to hear it. Let us start now.

Mr. TAVENNER. You spoke of being candid, and so let me ask you a candid question. Are you a member of the Communist Party?

Miss LEE. You know, every November I go into a little booth, and I mark a secret ballot, and I prize that very highly as part of the American way of life, and I believe that that question relates strictly to that.

Most people know from my public activities, and as you can see, I am a very talkative person, and very willing to state my opinion, but not under compulsion, and to a nefarious purpose on the part of this committee.

So under these circumstances I decline to answer on the basis of the first amendment and the fifth amendment.

Mr. TAVENNER. I think the court in the Barsky case has made that whole subject very plain.

Miss LEE. I am not acquainted with it.

Mr. TAVENNER. I think it should be mentioned, in light of the view you have taken.

The court in that case holds that:

> We hold that in the view of the representations to the Congress as to the nature of the purposes and program of communism, the Communist Party, and in view of legislation proposed, pending, and possible in respect to or premised upon that subject, and in view of the involvement of that subject in the foreign policy of the Government, Congress has power to make an inquiry of an individual which may elicit the answer that the witness is a believer in communism or a member of the Communist Party.

Miss LEE. Divulging any political belief under compulsion is not a good American principle.

And the compulsion exercised on the part of the investigators for this committee on prospective witnesses is scandalous.

Mr. TAVENNER. Since you have raised that question, it may be well to refer to the opinion of Mr. Justice Frankfurter in the Eugene Dennis case.

Miss LEE. Does he believe in tampering with witnesses?

Mr. TAVENNER. Justice Frankfurter said this:

> The Communist Party was not designed by these defendants as an ordinary political party for the circumstances of its organization, its aims and methods, and the relation of the defendants to its organization and aims. We are concluded by the jury's verdict.

The Court proceeded to hold without my extending the record on it, that Congress was not barred by the Constitution from believing that indifference to such experience would be an exercise not of freedom but of irresponsibility.

Congress has endeavored to fulfill its responsibility by empowering and directing this committee to make such inquiries.

Miss LEE. Is pressuring a witness so that he will not be employed, a part of the congressional direction?

Mr. TAVENNER. I want to ask you a question.

Miss LEE. I am asking you a question, Mr. Tavenner.

Mr. TAVENNER. Have you engaged in Communist Party activities which have taken you outside of the actual framework of the Communist Party?

Miss LEE. Would you start from the beginning of that question?

Mr. TAVENNER. Very well. Are you ready?

Miss LEE. Yes.

Mr. TAVENNER. Let me hand you a copy of a photograph of the May Day parade in 1952, and ask you whether you took part in it, and whether or not your likeness appears in the first row of those appearing in that parade?

(A document was handed to the witness.)

(Witness consulted with counsel.)

Mr. TAVENNER. If you let the witness see the picture, perhaps she can identify it, Mr. Boudin.

Miss LEE. Can't I go to any parade or go to any meeting or any benefit?

Mr. SCHERER. I ask you to direct the witness.

Mr. WILLIS. She will run out of words. Let her rant a little bit.

Chairman WALTER. I direct you to answer that question.

Miss LEE. I decline on the basis of the grounds previously stated.

Mr. BOUDIN. Do you want those grounds stated again, or will this be sufficient?

Chairman WALTER. It is understood when she gives that answer, it means she is relying on the protection afforded people by the first and fifth amendments.

Miss LEE. First, fourth, fifth, and eighth amendments.

Mr. BOUDIN. That may be understood, Mr. Chairman?

Mr. TAVENNER. Have you finished?

Miss LEE. Yes, sir.

Mr. TAVENNER. Did you take part in the 1952 May Day parade?

Miss LEE. I answered that question. I decline to answer on the basis of the grounds previously stated.

Mr. TAVENNER. Will you examine the photograph again, and state whether or not you can identify the picture of Pete Seeger in the front row?

Miss LEE. I decline to answer on the grounds previously stated.

Mr. TAVENNER. I desire to introduce the photograph in evidence and ask that it be marked "Lee Exhibit No. 1" and that it be incorporated in the transcript of the record. (See p. 2397.)

Miss LEE. You not only want to get me out of work, but you want me to help get other people out of work.

Chairman WALTER. It is received and so marked.

Mr. TAVENNER. Have you from time to time signed Communist Party petitions for persons running for office in the State of New York on the Communist Party ticket?

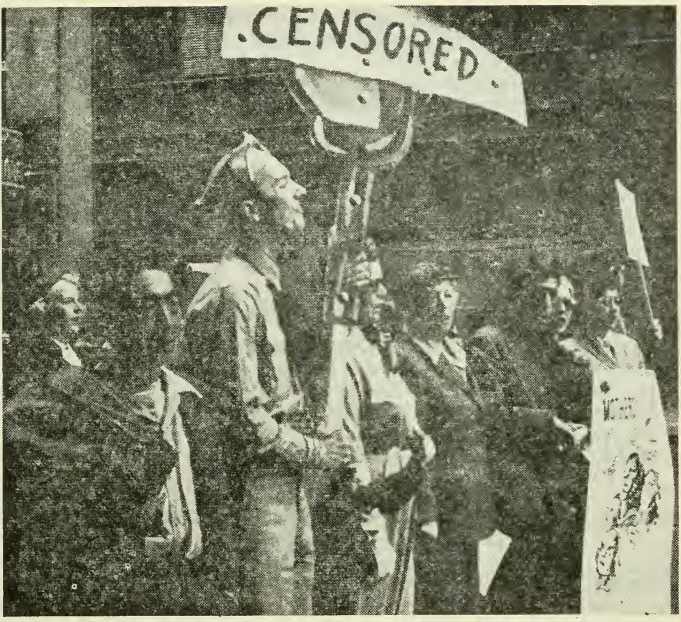
(Witness consulted with counsel.)

Miss LEE. In the electoral process?

Mr. TAVENNER. May I have a direction?

Chairman WALTER. I direct you to answer that very simple question.

Miss LEE. You haven't answered my objections to the question, and I believe that is an electoral process, part of the election machinery of the State of New York.



LEE EXHIBIT No. 1

Mr. SCHERER. That is the reason you should answer it.

Miss LEE. It is a matter of public record.

Chairman WALTER. Did you sign such nominating petitions?

Miss LEE. I decline for the previous reasons.

Mr. SCHERER. The witness said it was a regular process, and how could she invoke the fifth amendment properly and in good faith?

Chairman WALTER. That is up to her, Mr. Scherer.

Miss LEE. I am invoking the privilege properly, and in the best of good faith, and under the most severe pressure, which you don't seem to be interested in. It is perfectly all right to give out lurid tales that people are being pressured, but when this committee is properly accused of pressure, and I am willing to give the names, and dates, and places, and the people involved, nobody is interested.

Chairman WALTER. Mr. Tavenner, will you proceed?

Miss LEE. I am miscast, I am not Joan of Arc, and the words "recant," and "confess," are not exactly my dish.

Chairman WALTER. Let us proceed.

Miss LEE. How can you be looking for facts when you reward friendly witnesses, and punish unfriendly witnesses?

Mr. TAVENNER. I doubt that it would be of any value to question the witness further. She has indicated she is not going to answer any questions relating to the matter of communism.

Miss LEE. I am perfectly willing to answer all of your questions about subversive and infiltration in the entertainment industry, and the answer is that there is none.

Chairman WALTER. Are there any questions, Mr. Scherer?

Miss LEE. You don't want the information that witnesses are under pressure?

(Whereupon the witness was excused.)

Chairman WALTER. Is there another witness, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

Chairman WALTER. The committee will stand in recess until 2 o'clock.

(Whereupon, the committee recessed at 12 o'clock, to reconvene at 2 p. m., the same day.)

AFTERNOON SESSION—WEDNESDAY, AUGUST 17, 1955

Chairman WALTER. The committee will be in order.

Mr. Tavenner, call your witness, please.

Mr. TAVENNER. Mr. Peter Lawrence, please.

Chairman WALTER. Will you raise your right hand, please.

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LAWRENCE. I do.

TESTIMONY OF PETER LAWRENCE, ACCOMPANIED BY COUNSEL, MARTIN POPPER

Mr. COHEN. May I respectfully request an adjournment in the hearing of Zero Mostel.[1] I have advised Mr. Tavenner previously that Mr. Mostel is presently fulfilling an out of town engagement and that he would consider himself under subpena and be available before this committee to testify as a witness when and if the committee would call him on an adjourned date.

Mr. TAVENNER. Is he now in California?

Mr. COHEN. Yes, and may I respectfully ask for an adjournment without date?

Chairman WALTER. That request is granted, Mr. Cohen.

We will proceed.

Mr. TAVENNER. Will you state your name, please, sir?

Mr. LAWRENCE. Peter Lawrence.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. POPPER. Martin Popper.

Mr. TAVENNER. Of New York City?

Mr. POPPER. A member of the bar of New York.

Mr. TAVENNER. When and where were you born, Mr. Lawrence?

Mr. LAWRENCE. New York City, June 9, 1919.

Mr. TAVENNER. What is your occupation or profession?

Mr. LAWRENCE. I am a theatrical producer.

Mr. TAVENNER. Will you tell the committee please what your formal educational training has been?

[1] Testimony of Zero Mostel appears in pt. VIII of this series.

Mr. LAWRENCE. I went through grade school and high school in Nassau County and spent 2 years at night school in Columbia University, in New York.

Mr. TAVENNER. When did you complete that work at Columbia?

Mr. LAWRENCE. It was in the years 1938 and 1939, and it wasn't completion, it was just night courses.

Mr. TAVENNER. Have you had any profession other than that of a theatrical producer?

Mr. LAWRENCE. I have been in the theater for 15 years, and I served as a stage manager and as a producer, and in the concert field.

Mr. TAVENNER. Over how long a period have you been a theatrical producer?

Mr. LAWRENCE. The first production was in 1950.

Mr. TAVENNER. Will you tell us please what plays you have produced?

Mr. LAWRENCE. Yes, I produced Peter Pan, starring Jean Arthur and Boris Karloff, which ran a year. That was in 1950 and ran 10 months in New York and over 2 months on the road.

I also produced another play for children which ran for 5 days on Broadway.

Mr. TAVENNER. You told us that you had other experience in the field of the theater?

Mr. LAWRENCE. That is correct.

Mr. TAVENNER. What has that been?

Mr. LAWRENCE. I was a stage manager of 3 or 4 Broadway shows, and I was a stage manager of the Ballet Theater for 3½ years.

Mr. TAVENNER. During what period?

Mr. LAWRENCE. Ballet Theater was 1943 to 1947.

Mr. TAVENNER. What other stage managerialship have you had?

Mr. LAWRENCE. I was stage manager for the Theater Guild of a show called Sing Out Sweet Land, in 1945, and I was assistant stage manager in Lend An Ear, and in Denver Colo., in summer stock.

Mr. TAVENNER. Have you recently been connected with a theater production, that is, within the year 1955?

Mr. LAWRENCE. Well, I am currently working on a commercial industrial show for the DP Brother Agency, in Detroit, producing an industrial show.

Mr. TAVENNER. Were you associated as a producer with Mr. David Kanter?

Mr. LAWRENCE. I had a concert management business, an incorporated business in the State of New York, called Lawrence, Kanter, & Pratt, for about 18 months, and one of the undertakings is a tour for The Medium, and The Telephone, which starts in October for 12 weeks.

Mr. TAVENNER. Are you still connected with that enterprise?

Mr. LAWRENCE. No, I am not in the firm any longer, as of the 1st of July, when I left the firm to do the show which I am currently producing.

Mr. TAVENNER. What were the circumstances under which you left that firm? Let me put the question this way: Did the question of communism have any relationship to your leaving that firm?

Mr. LAWRENCE. First of all I am not quite certain whether you have any reason, this is an incorporated business, in which I was 1 of 3

partners, and I have left the firm under the laws of the State of New York with the proper paper filed, and this is a business undertaking, and I cannot see its relevance to you or this committee.

Mr. SCHERER. I ask you to direct him to answer the question.

Chairman WALTER. I direct you to answer the question.

Mr. LAWRENCE. In the first place, the question you raise seems to me to be so vague as to be impossible to answer as you have stated it.

Mr. TAVENNER. It is a very simple question. I asked you whether or not communism had anything to do with your leaving that firm?

Mr. LAWRENCE. I don't know what you mean, does communism have anything to do. That is a very broad subject which is in the papers and I have no idea what you are talking about.

Mr. TAVENNER. Well, then, does that mean that communism had nothing to do with your leaving the firm?

Mr. LAWRENCE. If you rephrase the question and be more specific, perhaps I can understand.

Mr. TAVENNER. I can't be more specific than that.

Mr. LAWRENCE. It is a very broad subject, and I have no way of answering that question.

Mr. SCHERER. Let us keep the record straight. He did not answer at your direction, he did not answer Mr. Tavenner's first question, and now I ask you to direct him to answer Mr. Tavenner's second question.

Chairman WALTER. I direct you to answer.

Mr. LAWRENCE. You ask the counsel or you direct me to answer a question of that kind, about does communism have anything to do with——

Chairman WALTER. I direct you to answer the question asked you by Mr. Tavenner.

Mr. LAWRENCE. Before I do I would have to hear it again.

Chairman WALTER. Will you read him the question?

(Whereupon, the reporter read the pending question as above recorded.)

Mr. SCHERER. I think that you should say to the witness that we did not accept his answer to Mr. Tavenner's first question, and he did not plead any of the amendments to the Constitution, and as a result of his failure to answer the first question I feel that he is in contempt.

Mr. POPPER. He is in the process of trying to find out what it is all about, and I don't think that remark is well taken.

Mr. SCHERER. My remarks were for the benefit of the client.

Mr. POPPER. He has counsel.

The question has been asked to be reread.

Mr. SCHERER. I ask that the second question be reread.

Chairman WALTER. Read the question.

(Whereupon, the reporter read the pending question as above recorded.)

Mr. LAWRENCE. Is that the question or is it the question before that you are referring to?

Chairman WALTER. That is the question.

Mr. LAWRENCE. It seems to me it is preposterous that it would have anything to do with the affairs of this committee, whether I terminated a business relationship in this State on questions of this kind, and it seems so offbase here, and it involves my whole personal opin-

ions and my personal relations and my discussions with my partners, and whether or not—I must refuse to answer this question and decline to answer it for two reasons:

First of all, it is completely outside, and it is my own personal business and my own personal affairs, and it invades my privacy, and invades a business relationship, and I would not answer it either on the basis of the first amendment and certainly on the basis of the fifth amendment which I must exercise here to protect myself from the generalities and vagueness.

Chairman WALTER. You said, "I must"; you are not under any compulsion.

Mr. LAWRENCE. I am compelled to answer the question, and I am compelled to protect myself.

Chairman WALTER. In order to protect yourself, you are invoking the fifth amendment, is that right?

Mr. LAWRENCE. Such a generally vague question in this day and age and before this committee.

Mr. SCHERER. Are you invoking the fifth amendment because this question is as you say, general and vague? Is that the reason you are invoking the fifth amendment?

Mr. LAWRENCE. Don't try to change it. My answer is in the record, and I have answered it because of the reasons stated.

Mr. SCHERER. I ask that you instruct the witness to answer my question.

Chairman WALTER. I think it has been answered.

Mr. SCHERER. He said he pleaded the fifth amendment because the question was vague, and was general. That is not a reason for taking the fifth amendment, under the Supreme Court decision. He must take the fifth amendment because he honestly believes that to answer the question would tend to incriminate him. We have a right to inquire and an injunction to inquire of a witness whether or not that is the reason he is taking the fifth amendment and if he is not taking the fifth amendment in good faith, then he is guilty of contempt.

Mr. LAWRENCE. I am taking it in good faith, with full knowledge of why I am taking it, and the necessity of my taking that position in this room.

Mr. SCHERER. That is not what the witness said.

Mr. LAWRENCE. Well, I am saying it now.

Chairman WALTER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Have you been a member of the Communist Party at any time during the year 1955?

Mr. LAWRENCE. That is another question which falls into the same area, and it involves my own personal opinions and my personal associations, and my personal ideas, and which I would never answer under these circumstances under compulsion on the basis that you have no right to ask it, on the first amendment of the Constitution which says these are my own personal feelings, and because of this situation which I find myself in here today, and I also invoke the fifth amendment to protect myself against.

Mr. WILLIS. Against what?

Mr. LAWRENCE. Against being a witness against myself.

Mr. TAVENNER. Were you a member of the Communist Party in 1952?

Mr. LAWRENCE. I refuse to answer for the reasons stated, the first amendment, and the fifth amendment to the Constitution.

Mr. TAVENNER. I have before me a photograph taken of the May Day parade in 1952. The parade appears in the photograph to be at a halt, and those engaged in it are standing in the middle of the street, with placards. At the head of this particular group is an individual carrying a sign "Actors for Peace." Will you examine the photograph, please, and state whether or not the picture of the person at the head of the group wearing an overcoat and carrying the sign "Actors for Peace," is a photograph of you?

Mr. LAWRENCE. It seems to me you are going to take an awful lot of time to cover the 8,000 or 10,000 people a year who march in the May Day parade.

Mr. TAVENNER. Let us just cover one at a time.

Mr. LAWRENCE. That is right, it will keep you busy on the front pages and all of the rest. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Did you head a group or delegation in the May Day parade, in 1952?

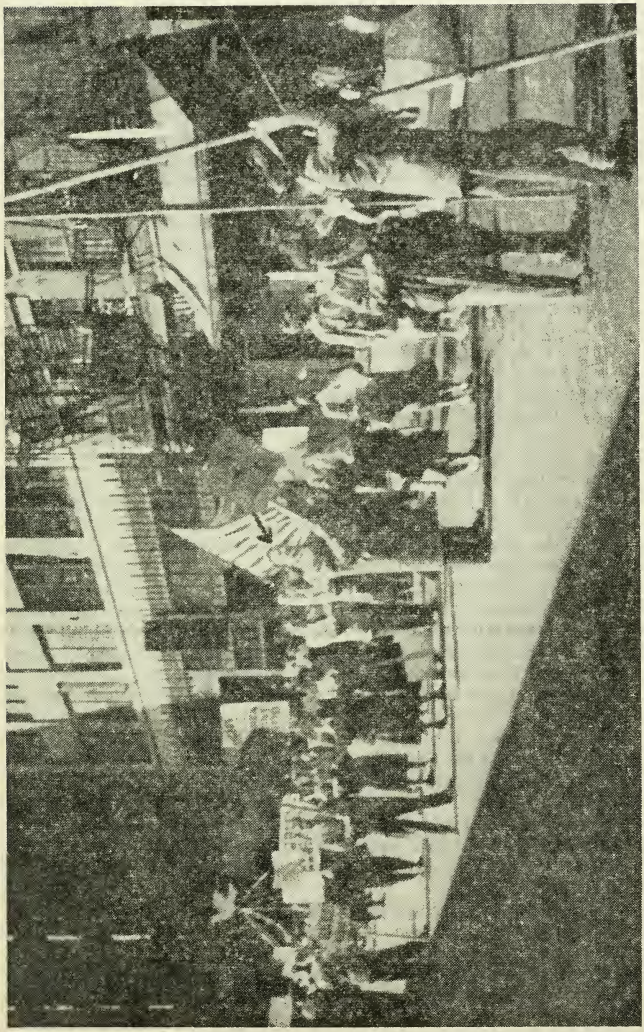
Mr. LAWRENCE. That question is the same question, and I decline to answer it because you have no right to ask it under the first amendment, and I can do whatever I please, and I can march and walk and not walk, and I can do anything I choose, and I can remain silent in the face of this kind of an inquisition, and for that reason I will not answer these questions on the grounds previously stated.

Mr. TAVENNER. Did you choose to walk on that day in the parade?

Mr. LAWRENCE. I refuse to answer that question on the grounds previously stated.

Mr. TAVENNER. I desire to offer the photograph in evidence and ask that it be marked "Lawrence Exhibit No. 1," and that it be incorporated in the transcript of the record.

Chairman WALTER. Mark it and let it be received.



LAWRENCE EXHIBIT No. 1

Mr. TAVENNER. I hand you a second photograph which was taken in 1953 at the time there was a demonstration because of the refusal of the city police to permit the May Day parade. Will you examine it please, and state whether or not the individual in the center of the picture, with an overcoat and hat is——

Mr. LAWRENCE. May I ask the reason for such a question?

Mr. TAVENNER. Just a moment. There is an arrow in ink indicating the individual. Will you examine the photograph and state whether or not the individual pointed out by the arrow is you?

Mr. LAWRENCE. If I am going to do any service here in the area in which I work for 15 years, which is the theater and the entertainment profession, I must continue to defy this committee to ask me questions of this kind, which have nothing to do with the pertinency of this investigation, and I decline to answer this question on the grounds previously stated.

Mr. TAVENNER. Mr. Lawrence, it is pertinent to the inquiry to know whether or not you are a member of the Communist Party, and were during the period indicated.

Mr. LAWRENCE. I can't see that at all, and I disagree with that pertinency whatsoever.

Mr. TAVENNER. I would like to offer the photograph in evidence, and ask that it be marked, "Lawrence Exhibit No. 2" for identification only.

Chairman WALTER. Mark it and let it be received.

Mr. TAVENNER. Will you tell the committee, please, whether or not you have held any position in an organization known as Actors Equity?

Mr. LAWRENCE. Once again it seems to me that the affairs of the theater and the affairs of the unions associated with it or the affairs of the members of these organizations, and the interference by this committee in the internal affairs of these unions is something which is creating great resentment, and I think that you have no right whatsoever to interfere with these questions, and to ask anybody about their associations with the membership of the organizations in which they belong, be they trade unions to which they belong or anything else.

Mr. SCHERER. I ask that the chairman direct the witness to answer that question.

Chairman WALTER. I direct you to answer that question.

Mr. LAWRENCE. What was the question? There was a question regarding my being an officer in the association? I was not an officer in the association.

Mr. TAVENNER. Did you hold any position in the association?

Mr. LAWRENCE. That is correct, I did not.

Mr. TAVENNER. Were you a member of the council at any time?

Mr. LAWRENCE. Never.

Mr. TAVENNER. Were you the head of any committee of the group?

Mr. LAWRENCE. To the best of my knowledge I have never been the head of a committee in Actors Equity Association.

Mr. TAVENNER. Were you chairman of the theater division of the New York Council of the Arts, Sciences, and Professions?

Mr. LAWRENCE. Now you are getting into another area, and first you have invaded the question of the unions of the theater, and now you are going outside of that and asking me further questions about my affiliations and my associations and my private affairs, and I state to you again, I am entitled to belong to any organization without

being compelled to discuss it with you, and it also involves areas which I must refuse to talk about before this committee, because I do not believe under the first amendment you have any right whatsoever to interfere with these questions, and I also plead the fifth amendment because I must protect myself from this kind of inquisition.

Chairman WALTER. I direct you to answer that question.

Mr. LAWRENCE. I refuse to answer it under the——

Chairman WALTER. You did not hesitate to answer questions concerning your activities in another organization, and now when you are asked about this organization, you won't answer questions.

Mr. SCHERER. Just a minute, Witness. For the record, Mr. Chairman, he said that he is invoking the fifth amendment because he must protect himself from this inquisition. That is not a proper invocation of the fifth amendment. I want to keep this record straight.

Mr. LAWRENCE. It is a proper reason for taking the fifth amendment, and I will not testify, and be compelled to testify against myself.

Mr. SCHERER. I ask you to direct the witness to answer the question.

Chairman WALTER. I have directed him.

Mr. LAWRENCE. The same answer, for reasons of the first and fifth amendments.

Mr. TAVENNER. I hand you a photostatic copy of a letter bearing date of December 22, 1952, addressed to "Dear Theatre Division Members:," and signed in ink, "Respectfully, Peter Lawrence."

Will you examine it please, and state whether or not that is your signature?

(A document was handed to the witness.)

Mr. LAWRENCE. The activities of this committee for the last 17 years have included in the listing as subversive organizations completely arbitrarily and without any basis in fact, many many organizations, and because of the listing of this organization and many others, I refuse to testify against myself in any of these areas, whether or not I believe that these organizations have a right and a perfectly legitimate reason to function and have noble and excellent purposes, but I will not be involved in front of this committee with testifying against myself in these areas.

Mr. TAVENNER. Therefore you refuse to answer whether or not that is your signature?

Mr. LAWRENCE. Under the grounds stated, that is correct.

Mr. TAVENNER. Will you examine the document, please, and state whether or not in the second paragraph, the name of the chairman which appears there, is your name?

Mr. LAWRENCE. It seems to me this is a photostatic copy which can be read by anybody, and I can't go into this letter or this association in any form whatsoever.

Mr. SCHERER. I will ask you to direct the witness to answer the question.

Chairman WALTER. I direct you to answer.

Mr. LAWRENCE. This is a matter of record, and I refuse to answer for the reasons of the first and fifth amendments.

Mr. TAVENNER. I offer this document in evidence and ask that it be marked, "Lawrence Exhibit No. 3," for identification only and to be made a part of the committee files.

Chairman WALTER. Mark it and let it be received.

Mr. SCHERER. Didn't this witness in response to one of your previous questions, Mr. Tavenner, say that he was not an officer or active in this organization?

Mr. TAVENNER. No, sir. The organization which he said he was not an officer in was Actors Equity.

Mr. SCHERER. This doesn't show on the face of it what organization it was. There is a penciled notation on it.

Mr. TAVENNER. Yes. I am reasonably certain it was not Actors Equity.

Mr. SCHERER. How would he know then that this organization has been cited?

Mr. TAVENNER. He must have recognized the content of the document over which his name appears.

Mr. LAWRENCE. You stated that it was the National Council of the Arts, Sciences, and Professions, and I think that you will find that in the record, and I am taking your opinion on it, and that is what you asked me, and that is what I replied to.

Mr. SCHERER. That is all I wanted to get into the record. I am satisfied.

Mr. TAVENNER. Mr. Lawrence, I have before me now a copy of a letter addressed to "Dear Equity Member:", and in typewriting there appears at the bottom of it, "Respectfully yours, (Signed) Peter Lawrence."

Will you examine it, please, and state whether or not you were the author of that letter?

Mr. LAWRENCE. The content of this letter is such as once again to invade my own right to talk and interest people as I wish, without having to discuss it in front of this committee or any committee in this area, and I refuse to discuss this letter with the committee on the grounds previously stated.

Chairman WALTER. I direct you to answer that question, Mr. Lawrence.

Mr. LAWRENCE. I am answering it on the basis as I previously stated, on the grounds of the first amendment and the fifth amendment.

Chairman WALTER. By that do you mean you decline to answer the question?

Mr. LAWRENCE. I decline to answer it.

Mr. TAVENER. I desire to offer the document in evidence and ask that it be marked, "Lawrence Exhibit No. 4" for identification only and to be made a part of the committee files.

Chairman WALTER. Mark it and let it be received.

Mr. TAVENNER. The date of exhibit No. 4, the letter just referred to, is September 3, 1949. That was during the period of the trial of the Smith Act defendants in Foley Square, was it not?

Mr. LAWRENCE. I have no knowledge of that. I don't know the date of the trial you refer to.

Mr. TAVENNER. During the period of that trial didn't you endeavor to get your union, Actors Equity, to join in Communist Party propaganda against the Government in that trial?

Mr. LAWRENCE. This is again a question in the same area, which is involved in tricky, and political opinions and political affairs, and I must tell you again that I will not answer these questions.

Mr. SCHERER. These men, as agents of a foreign government, were on trial for a criminal conspiracy against the United States and it wasn't any political affair.

Mr. TAVENNER. Did you not endeavor to lump together the Peekskill incident or the incident of an individual being detained at Ellis Island together with a labor union in order to embarrass the Smith Act trial?

Mr. LAWRENCE. This is again the same question, and the same area, and I must refuse to answer any questions of that nature and specifically this one, on the grounds that the question invades my rights to feel and do and think as I wish, without having to answer for it and I say that I will not answer it on that ground and on the grounds of the fifth amendment.

Mr. TAVENNER. Did you not endeavor to bring Actors Equity into a propaganda effort in behalf of the Communist Party during the Smith Act trial?

(Witness consulted with counsel.)

Mr. LAWRENCE. It seems to me again you are asking the same question that I refused to answer a few moments ago, and I will continue to refuse to answer these kinds of questions and particularly ones that talk about union, the trade unions in this area which seems to be the desire to investigate here.

Mr. SCHERER. The trade union which you were trying to subvert to the Communist propaganda?

Mr. LAWRENCE. I have never tried to subvert anything and I have never belonged to any organization that I felt advocated the overthrow of this Government and never tried to do anything which I am ashamed of, and I never tried to subvert any organization.

Mr. SCHERER. Did you belong to the Communist Party?

Mr. LAWRENCE. I think I have already answered that question.

Mr. WILLIS. By refusing to answer it.

Mr. LAWRENCE. By refusing to answer it before this body.

Mr. TAVENNER. Let us see if you didn't make an effort to use your union, which you say should not be interfered with; I am happy to say that you were not successful as far as the information that this committee has obtained.

Mr. LAWRENCE. I wish I were as successful in doing things for the union as you seem to be doing against it in these kind of hearings.

Mr. TAVENNER. I hope it will be helpful to your union. That is what this committee is doing, following the congressional mandate of investigating Communist Party activities of individuals as to whom it has information were engaged in such activities.

Mr. LAWRENCE. Toward some legislative purpose?

Mr. TAVENNER. Yes, as pointed out in the case I read today, there may be legislation to be introduced in the future, which involves these very important matters, and the Congress has the right and, as said also by Justice Frankfurter, that it may be irresponsible if it didn't take some action.

Mr. LAWRENCE. I notice you read a court decision here on the Barsky case which was a 2 to 1 decision, and I think perhaps you ought to inform the press here about the dissenting opinion in that case, which was J. Edgerton, which is an opinion that I agree with very definitely.

Mr. TAVENNER. You seem very familiar with it, and you probably also know then that a writ of certiorari to the United States Supreme Court was not granted, and——

Mr. POPPER. Except in 1955 when it was granted and so we might as well let the record be clear on all of this.

Mr. TAVENNER. It was not granted in the Barsky case.

Mr. POPPER. In 1955 the Supreme Court granted certiorari as to whether or not under the first amendment this or any other congressional committee of its kind can investigate in the area. It is the first time in 8 years.

Mr. TAVENNER. It was not granted in the Barsky case, and that stands on the statute.

Mr. POPPER. Five years later it was granted.

Mr. TAVENNER. It stands until it is overruled.

Now let us come to the question, then, of Communist Party activities that were engaged in by some individuals within your union. This letter is dated September 3, 1949.

DEAR EQUITY MEMBER: Last week some 25 members who were among the signers of the 7-point program petition to council met, at council's request, to select volunteers to serve on union committees.

Let me stop there a moment.

Were you selected or did you volunteer to serve on a union committee?

Mr. LAWRENCE. I believe I answered here. The record will show that to my knowledge I have never served on a committee in this union.

Mr. TAVENNER. Did you volunteer to serve on a union committee in regard to this matter?

Mr. LAWRENCE. I have absolutely no recollection of that.

Mr. TAVENNER. Does my reading that paragraph refresh your recollection?

Mr. LAWRENCE. It does not.

Mr. TAVENNER. Possibly it will be refreshed by the remainder of it.

Were you 1 of the 25 members that met?

Mr. LAWRENCE. Where?

Mr. TAVENNER. Pursuant to this letter, and pursuant to what is stated in this letter.

Mr. LAWRENCE. I can't answer the question; I haven't heard the letter.

Mr. TAVENNER. Very well, let me read the next paragraph:

During the course of this meeting a discussion took place and a decision reached that a question of vital, immediate importance to all union members, the trial of the 12 members of the national committee of the Communist Party, deserved serious examination and wider understanding.

Did you participate in the meeting referred to, which it is said took place last week, which means prior to September 3, 1949?

Mr. LAWRENCE. It seems you are talking about a letter which I have already said that I declined to discuss with this committee, and I therefore decline to discuss anything that is in that letter.

Mr. TAVENNER. Therefore you will not state whether you attended the meeting?

Mr. LAWRENCE. That is correct. The reasons previously stated.

Mr. SCHERER. I think he should be directed to answer the question. I think he has waived his privilege.

Chairman WALTER. I direct you to answer the question.

Mr. LAWRENCE. I have refused to answer the question under the reasons that I have stated here earlier.

Mr. TAVENNER. In what way did you consider that the trial of the 12 members of the national committee of the Communist Party deserved consideration by your trade union?

Mr. LAWRENCE. First of all I have acknowledged no consideration of the question, and second, all my opinions about the matters to which you are referring are my own affairs, and I have no reason in the world to discuss them before this body because they are my private affairs.

Mr. SCHERER. I respectfully say they are not your own affairs when you get into a matter such as this.

Mr. LAWRENCE. I say they are, and I can have opinions on any matter about which I choose to hold opinions.

Mr. TAVENNER. Let me continue to read.

The Equity members gathered that evening began to see that they had failed to understand the direct significance—

and "direct significance" is underscored—

of this trial to their union. The question of the detention of President Derwent, for example, is linked with the trial.

Who was President Derwent?

(Witness consulted with counsel.)

Mr. LAWRENCE. If I am not mistaken, he was president of Actors Equity.

Mr. TAVENNER. He had been detained on Ellis Island for questioning on his return from Europe; isn't that true?

Mr. LAWRENCE. I don't know that story at all.

Mr. TAVENNER. You don't know anything about that?

Mr. LAWRENCE. Not that incident.

Mr. TAVENNER. Yet you would put in this letter that his detention had something to do with the Communist trial of the 12 Communists, which you knew was not true; isn't that so?

Mr. LAWRENCE. It is not a question.

Mr. TAVENNER. Yes, it is a question, and I am asking you if that is so.

Mr. LAWRENCE. I have refused to discuss any letter such as you have without my signature, and I will continue to refuse to discuss the contents of it, with or without my signature.

Mr. SCHERER. I ask you to direct the witness to answer Mr. Tavenner's last question.

Chairman WALTER. Answer the question.

Mr. LAWRENCE. The same answer.

Mr. SCHERER. He has clearly waived any privilege.

Mr. LAWRENCE. The same answer for the same reasons, the right to protect myself against being compelled to testify.

Mr. TAVENNER (continuing to read):

Equity's stand against discrimination is under examination at the trial.

By what stretch of the imagination could the trial of the 12 Communist leaders, those referred to here as the 12 members of the national

committee of the Communist Party, have to do with Equity's stand on any matter in which the union was interested?

Mr. LAWRENCE. I am not going to discuss any of these matters with this committee and especially and specifically around a letter which you are continuing to read and perhaps you will read it to the end and I say I will not discuss the content of this letter with you.

Chairman WALTER. Were any of those 12, Mr. Tavenner, members of this union?

Mr. TAVENNER. No, sir. That is just the point I am making, that there is no connection at all, except from the reading of this letter you can draw only one conclusion.

Mr. SCHERER. He was attempting to subvert the union.

Mr. TAVENNER. It was an effort to combine a number of Communist Party causes and to use this union in order to propagate them.

Mr. LAWRENCE. You are in a position to make all of the comments you choose to make and the press is duly making note of them, but they are your own opinions.

Mr. TAVENNER. I am giving you every opportunity to throw any light on this matter that you can, and you certainly are in a position to do it with your name signed to the letter, and your not having denied sending it.

(Witness consulted with counsel.)

Mr. SCHERER. He says that is none of our business.

Mr. LAWRENCE. That is correct. That is a question of the union affairs, it would seem to me. It is basically my position that these are affairs of the union and not the affairs of this committee, and the interference in the affairs of the union by this committee I think are complete violations.

Chairman WALTER. Your union was concerned with the trial of the people charged with attempting to overthrow the Government of the United States. It wasn't a union matter.

Mr. TAVENNER (continuing to read:)

> The attacks against the actors in They Shall Not Die and the singers at Peekskill cannot be separated from the basis of the trial in Foley Square.

What was the source of that propaganda?

Mr. LAWRENCE. The same answer, to the same question. I refuse to answer any questions of this nature before this committee on the grounds previously stated, and that these are union matters, I think, and in 7 years the union might have had an opportunity to debate them and undoubtedly did, and this is——

Mr. TAVENNER. Did you take part in the debate?

Mr. LAWRENCE. Which debate are you talking about?

Mr. TAVENNER. The one you are referring to.

Mr. LAWRENCE. I don't know whether there has been any such debate, and you are talking about these union matters.

Mr. TAVENNER. No, I am not talking about union matters, I am talking about Communist Party matters, which you endeavored to put over on the union.

Mr. LAWRENCE. The union. This is not a question——

Mr. TAVENNER (continuing to read):

> In the belief that as many Equity members as possible should discuss this matter, ask questions and arrive at fuller understanding through such procedure, we have undertaken to call a meeting on Thursday night, September 8, at 11:30 p. m., at the Capitol Hotel, 51st Street and Eighth Avenue, to hear speakers on this subject.

Were you successful in having the meeting held?

Mr. LAWRENCE. I won't answer that question on the grounds previously stated but it seems to me to be a complete outrage, your talking about discussion of questions by adult members of a union and if they are not entitled to discuss it if they choose to, that is their choice and if they don't wish to discuss this question, again that is their choice, and I think the inference here that the union is having anything put over on them is again an insult to the union and these are questions which can be debated, and discussed, and if they were, this again is a union province, and if they are not interested, the members of the union can refuse to discuss it and they are perfectly capable of discussing unions if they so choose to discuss them, and if you are saying that they can't discuss questions, then it is subversion to discuss questions, and I think that this is something that should be examined.

Mr. TAVENNER. No, I am asking what your part was in the Communist Party plan to put this over on your union.

I continue to read:

> In closing, we need not remind you of the historical importance of such a meeting as regards our union. In addition to making certain that you attend, will you please make arrangements now to bring at least two Equity members with you. Both Chorus and Actors Equity members should attend.
>
> We cannot afford the luxury of an additional reminder, so we urge you to make a note now of the time, date and place.
>
> Respectfully yours,
>
> (Signed) PETER LAWRENCE.

As a result of the writing of that letter, were you accused of trying to throw Communist Party propaganda such as the temporary detention of President Derwent and the Peekskill incident, together with a labor union in order to use it as propaganda against the Smith Act trials?

Mr. LAWRENCE. I cannot answer that question and I won't answer the question for the grounds previously stated.

Mr. SCHERER. I think that you can answer it, you just won't.

Mr. TAVENNER. Will you tell the committee please how many persons within Actors Equity were members of the Communist Party at that time, September 3, 1949?

Mr. LAWRENCE. I refuse to answer any question of that nature, as I have outlined before. That is for the reasons previously stated.

Mr. TAVENNER. Have you endeavored to hold caucus meetings within Actors Equity or within the American Federation of Television and Radio Artists since September 3, 1949 composed principally of members of the Communist Party?

Mr. LAWRENCE. These questions regarding this issue I again decline to answer for the reasons previously stated.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. LAWRENCE. The same question, and I again give the same answer for the reasons previously stated.

Mr. TAVENNER. I have no further questions.

Chairman WALTER. Are there any questions?

The witness is excused.

Call your next witness, Mr. Tavenner.

Mr. TAVENNER. Mr. Joshua Shelley.

Chairman WALTER. Will you raise your right hand, please?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SHELLEY. I do.

TESTIMONY OF JOSHUA SHELLEY, ACCOMPANIED BY COUNSEL, MARTIN POPPER

Mr. SHELLEY. Mr. Chairman, I have a statement I would like to read.

Chairman WALTER. Let me have it, please.

(A document was handed to the chairman.)

Mr. TAVENNER. What is your name, please, sir?

Mr. SHELLEY. Joshua Shelley.

Mr. TAVENNER. It is noted that you are accompanied by the same counsel who accompanied the preceding witness.

When and where were you born, Mr. Shelley?

Mr. SHELLEY. I was born in Brooklyn, N. Y., in 1920.

Mr. TAVENNER. Where do you now reside?

Mr. SHELLEY. In Manhattan.

Mr. TAVENNER. How long have you lived continuously in the city of New York, prior to this date?

Mr. SHELLEY. About 10 or 11 years.

Mr. TAVENNER. Prior to that time, where did you reside?

Mr. SHELLEY. Glen Cove, Long Island.

Mr. TAVENNER. What is your occupation?

Mr. SHELLEY. I am an actor.

Mr. TAVENNER. Will you tell the committee please what your formal educational training has been?

Mr. SHELLEY. I went to public schools in Brooklyn, and I went to public school in Glen Cove. I graduated from Glen Cove High School, and I went to NYU for a while.

Mr. TAVENNER. When did you go to that institution?

Mr. SHELLEY. New York University, you mean?

Mr. TAVENNER. Yes.

Mr. SHELLEY. I believe about 1937 or 1938, I forget. I think it was 1937 or 1938, and I just went for 6 months.

Mr. TAVENNER. What has been your employment since that time?

Mr. SHELLEY. Well, I have been in many radio programs, free-lance radio acting.

Mr. TAVENNER. Did you start immediately in the profession of acting?

Mr. SHELLEY. Yes, even before that, and I have done other things. I have been a salesman, but I was a free-lance radio actor before I was in school. I had a comedy act that I did, not terribly successfully, and then I went to the legitimate theater and I worked in the theater, and I have been in a lot of plays, and done thousands of radio programs and hundreds of television programs. I can tell you some of them.

In television I was on Studio One; Danger; the Ed Sullivan Show; Suspense; The Man Behind the Badge; Big Story; Philco Television Playhouse; The Starlight Theater; We, The People, and I was on that on and off; the Faye Emerson Show, I was on that for 13 weeks; and the Don Ameche program, 18 weeks; and Schlitz Playhouse of Stars; Man Against Crime; Tales of Tomorrow; and there were hun-

dreds of them, and I can't remember them all, and thousands of radio programs, I am sure, and I can't remember them all.

The legitimate theater, One Touch of Venus, Mary Martin; Tenting Tonight; On the Town; Tidbits; Barefoot Boy With Cheek; Make Mine Manhattan; The Liar; On Your Toes; Girl in the Pink Tights; and I just closed last Sunday in Washington in Phoenix 55 which had opened here.

I have done two movies, City Across the River, and Yes, That's My Baby.

Mr. SCHERER. Just a moment. Did this employment continue up to the present time?

Chairman WALTER. He said he closed Sunday night.

Mr. SHELLEY. My employment has been back and forth. I was employed quite regularly in television until I was blacklisted.

Mr. SCHERER. When were you blacklisted?

Mr. SHELLEY. About 3 years ago. There was something in a publication called Counter-Attack.

Mr. SCHERER. Did any of these thousands of radio programs that you have just told us about, take place within the last 3 years?

Mr. SHELLEY. I couldn't say precisely if any of them did. I may have done 1 or 2 radio programs, I don't know if it is a thousand, but it must be a thousand.

Mr. SCHERER. I am just using your words.

Mr. SHELLEY. I understand. No; I don't remember. I may have done a few radio programs.

Mr. SCHERER. Did some of these television programs take place within the last 3 years, the Ed Sullivan Show, and so on?

Mr. SHELLEY. The Ed Sullivan Show I did in 1949 or 1950, I believe, I am not sure.

Mr. SCHERER. Which one of these programs that you have mentioned took place in the last 3 years?

Mr. SHELLEY. In the last 3 years, I did a program called Atom Squad, in Philadelphia.

Mr. WILLIS. It looks like you remember those of the older vintage better than you do those of recent vintage.

Mr. SHELLEY. There were more in the older vintage than in the recent.

Chairman WALTER. How long did the show run that closed on Sunday in Washington?

Mr. SHELLEY. Phoenix 55, ran, I think, 13 weeks, or 11 weeks in New York, I am not sure, and we were supposed to do 12 performances in Washington, but we were rained out twice.

Chairman WALTER. What did you do before Phoenix 55? What was your employment before that time?

Mr. SHELLEY. I was in On Your Toes on Broadway.

Chairman WALTER. How long did that run?

Mr. SHELLEY. Not too long. I don't remember exactly, but it was about 6 weeks on Broadway, and it was a revival. It was a good show.

Chairman WALTER. What show were you in before that?

Mr. SHELLEY. Directly before that, on Broadway, I think I was in The Girl in the Pink Tights.

Chairman WALTER. How long did that run?

Mr. SHELLEY. A few months.

Mr. SCHERER. Has the Faye Emerson Show been recent?

Mr. SHELLEY. I think that was 13 weeks during the summer, in 1951, I think it was, or 1952, the latest. The one I was on, that is. It was called Wonderful Town.

Mr. TAVENNER. Have you contributed your talent to entertainment for the benefit, or for the purpose of raising money at the instance of the Communist Party?

Mr. SHELLEY. I am sorry; I didn't get the last part of that question.

Mr. TAVENNER. I say, have you contributed your talent in entertainments sponsored by the Communist Party for the purpose of raising funds?

Mr. SHELLEY. I think that question is an attempt at striking out at my personal liberties which the Congress, as I understand it has no right to inquire into, and I feel you have no right to ask me personal questions about where I have been, and what I have done, and with whom I have affiliated, and I think it is that kind of a question.

Mr. SCHERER. We are not authorized, you say, to inquire into the activities of anybody employed by the Communist Party?

(Witness consulted with counsel.)

Mr. SHELLEY. I said you cannot inquire.

Mr. SCHERER. Even an agent of the Communist Party?

Mr. SHELLEY. I don't know what you are talking about now. I say that the Congress has no right to inquire into a person's political, economic, social, or religious opinions or their associations and affiliations, and I think that is part of the first amendment.

Mr. WILLIS. Now that we have had the usual speech, will you ask him to answer the question, Mr. Chairman?

Chairman WALTER. Answer the question.

Mr. SHELLEY. As I said, I don't think this committee has a right to ask me that question, and I refuse to answer that question under my privilege in the fifth amendment, and the first amendment. It is the first and the fifth amendments.

Mr. WILLIS. Do you mean by that, that you would be afraid if you answered the question you might subject yourself to criminal prosecution?

Mr. SHELLEY. I have already answered that question.

Mr. TAVENNER. In what productions or plays were you engaged during the years 1946 and 1947?

Mr. SHELLEY. Did you say 1946? I think On the Town was in 1946, and I think Tidbits was in 1946, and it ran a week, and——

Mr. TAVENNER. During that period of time, 1946 and 1947, were you a member of Actors Equity?

Mr. SHELLEY. Yes; you have to be a member of Actors Equity in order to work in the theater, and I was a member.

Mr. TAVENNER. Were you a member of the Communist Party during that period of time, 1946 to 1947?

Mr. SHELLEY. I have already told you that according to the first amendment, asking questions like that is stepping on my rights, and my liberties, and I don't feel that this committee has a right to ask me that kind of a question.

Mr. TAVENNER. May I ask for a direction?

Chairman WALTER. I direct you to answer that question.

Mr. SHELLEY. I decline for the same reasons as previously stated. first and fifth.

Mr. TAVENNER. Are you aware of the existence of a cell or group of the Communist Party in New York City, composed chiefly of members of the acting profession?

Mr. SHELLEY. I feel this is the same kind of question, and I decline to answer it for the same reasons, the first and the fifth.

Mr. TAVENNER. Did you ever attend a caucus within Actors Equity, composed of members of the Communist Party?

Mr. SHELLEY. I feel this question is an attack on Actors Equity, and it attempts to bring a climate of fear in the union so that any caucus, if it meets to defeat such publications as Aware, will be frightened to meet, and I feel this a smear on my union.

Mr. TAVENNER. No; it is not a smear on your union at all, you know that.

Mr. SHELLEY. I feel that it is, sir. You are trying to bring fear into members of unions who have fought against blacklisting, who have fought for good things in the unions when you ask questions like that.

Mr. TAVENNER. May I ask for a direction?

Chairman WALTER. I direct you to answer the question.

Mr. SHELLEY. I refuse to answer on the same grounds.

Chairman WALTER. Are you now a member of the Communist Party?

Mr. SHELLEY. I don't feel that you have the right to ask me that question, and I refuse to answer as I have before, on the same grounds.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Chairman WALTER. Are there any questions?

Mr. SCHERER. Do you know Peter Lawrence?

Mr. SHELLEY. Yes; I know Mr. Lawrence, he is a friend of mine, and he is a producer in the theater, and he is a fine fellow.

Mr. SCHERER. Do you know him to be a member of the Communist Party?

Mr. SHELLEY. I do not feel that under the first——

Mr. SCHERER. Isn't it a fact that both you and he were members of the Communist Party? Isn't that a fact?

Mr. SHELLEY. That is a pretty tricky question.

Mr. SCHERER. Is the trick question true or false; the implication?

Mr. SHELLEY. It is tricky, and I refuse to answer it under my privilege in the fifth amendment and the first amendment.

Mr. SCHERER. That is all.

Chairman WALTER. The witness is excused, and we will take a 5-minute recess.

(A short recess was taken by the committee.)

Chairman WALTER. The committee will come to order.

Call your next witness, Mr. Tavenner.

Mr. TAVENNER. Mr. George Keane.

Mr. KEANE. No pictures, please.

Chairman WALTER. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KEANE. I do.

TESTIMONY OF GEORGE KEANE, ACCOMPANIED BY COUNSEL, LEONARD BOUDIN

Mr. TAVENNER. What is your name, please, sir?

Mr. KEANE. My name is George Keane.

Mr. TAVENNER. Will counsel accompanying the witness identify himself for the record, please?

Mr. BOUDIN. Leonard Boudin, 25 Broad Street, New York.

Mr. TAVENNER. When and where were you born, Mr. Keane?

Mr. BOUDIN. Just a moment. Will you please see that the pictures are not taken while the witness is testifying?

Chairman WALTER. These men know the rules, and apparently they are complying with them.

Mr. BOUDIN. I didn't hear your last statement.

Chairman WALTER. Go ahead, Mr. Tavenner.

Mr. TAVENNER. When and where were you born, Mr. Keane?

Mr. KEANE. I was born in 1917, in Springfield, Mass.

Mr. TAVENNER. Where do you now reside?

Mr. KEANE. In New York City.

Mr. TAVENNER. How long have you been a resident of New York City?

Mr. KEANE. To the best of my recollection, between 28 and 30 years, with the exception of trips and vacations.

Mr. TAVENNER. Will you tell the committee please what your formal educational training has been?

Mr. KEANE. I attended elementary school, in Springfield, Mass., up until I was about—and this again is all to the best of my knowledge, and I want to assure you that I am not going to stall, but I would plead a fuzzy memory, so this is it.

Mr. TAVENNER. A year or so makes very little difference.

Mr. KEANE. Up to the time I was about 8 or 10 in Springfield, Mass., elementary school, and then the public school system in New York City, and I was graduated from City College in New York in the year 1937.

Mr. TAVENNER. What has been your profession or occupation since graduation?

Mr. KEANE. I am an actor.

Mr. TAVENNER. Have you been an actor virtually from the period of your graduation?

Mr. KEANE. Yes.

Mr. TAVENNER. Have you had any other occupation during that period of time?

Mr. KEANE. Well, an actor as a rule must have other occupations and yes, I have.

Mr. TAVENNER. What have they been?

Mr. KEANE. May I adjust that question to say not occupations, but other work, you know, because I consider that I have one occupation and that is as an actor. The other work I have done, again to the best of my knowledge——

Mr. TAVENNER. Let us simplify it, what other work have you engaged in since 1947, if any, besides your profession of acting?

Mr. KEANE. I am not being evasive. It is difficult here, as you must realize. Have you anything in mind, sir? I am not trying to escape any of your questions.

Mr. WILLIS. Have you been at these hearings today and yesterday?

Mr. KEANE. Since the very first day.

Mr. WILLIS. You have heard these same questions about occupation for the last 3 days of every witness, and are you trying to kid us by coming here and acting as though you have a blank mind? Don't you know what work you have done?

Mr. KEANE. I am not trying to kid you, sir.

Mr. WILLIS. You are not kidding me, sir. Don't affirmatively say that you are not trying to before I question you.

Mr. KEANE. Don't say I am trying to kid you. It is very difficult. I am defending my right to work, and my earning power, and my family, and the whole future of my life.

Chairman WALTER. You heard the question.

Mr. KEANE. And now I have forgotten it, quite frankly, because I have been rattled.

May I have the question again, please?

Mr. TAVENNER. Just tell us what work you have done besides that of acting, since 1947.

Mr. KEANE. I am not allowed to say that I have nothing to hide, and that I am not trying to avoid, is that right?

Chairman WALTER. You can see that.

Mr. TAVENNER. Go ahead before you forget the question.

Mr. KEANE. I have done some professional writing, and I have done some directing, and as far as I know, to the best of my recollection, that is a complete answer to your question.

Mr. TAVENNER. What was the nature of the directing in which you weer engaged?

Mr. KEANE. I directed at a summer resort called, Green Mansions.

Mr. TAVENNER. What year did you direct at this resort?

Mr. KEANE. This year.

Mr. TAVENNER. What was the nature of the directing that you did? Was it directing of shows?

Mr. KEANE. Yes.

Mr. TAVENNER. What other directing have you done?

Mr. KEANE. Professionally as far as I can recall that is the only directing work I have done.

Mr. TAVENNER. Well, you draw a distinction between professionally and otherwise.

Mr. KEANE. That is right, sir. One usually does in the theater.

Mr. TAVENNER. What other directing have you done which may not be classified as professional directing?

Mr. KEANE. May I tell you I have written down here a list of my credits and so forth?

Mr. TAVENNER. I am coming to that question, and I will give you every opportunity to tell us how prominent you have been.

Mr. KEANE. I am not interested in telling you how prominent I am, sir. I am not. To the best of my knowledge and belief, unless you have something to refresh my memory, I have done no other directing that I can remember.

Mr. TAVENNER. What was the nature of the professional writing in which you were engaged?

Mr. KEANE. I wrote a radio serial which was called Marriage For Two.

Mr. TAVENNER. When was that?

Mr. KEANE. I plead my fuzzy memory again. Either 1952 or 1953, sir.

(Witness consulted with counsel.)

Mr. TAVENNER. Will you give us now the principal stage credits which you have received?

Mr. KEANE. I wrote these down to save your time and mine.

In 1938, Hamlet; in 1939, Henry IV; in 1940, Richard The Second; in 1950, The Moon is Down; and in 1941, Twelfth Night; and in 19— excuse me, I have a typographical error here. The Moon is Down was in 1942. This is to the best of my knowledge.

In 1942, also a play called Life Line, and then I was in the Army for 4 years. It was about three and a half years, a little under 4 years.

Mr. TAVENNER. What was the date you went in, and the date you came out of the Army?

Mr. KEANE. The date I went in was sometime in December of 1942, and I got out in April 1946.

My lowest efficiency and character rating ever received in the Army was "excellent," and there are four stars on my overseas ribbon, battle stars, and I volunteered to go overseas, where I stayed from February of 1944 until March 1945.

Mr. TAVENNER. In what branch of the service were you?

Mr. KEANE. I was in Special Services, and I was a limited-service officer because I finally got a commission. I received the Army Commendation Ribbon for outstanding service, and I received a scroll from the Army Service Forces, for distinguished and exceptional service and outstanding devotion to duty.

When I got out of the Army I was in a play called Park Avenue, in 1946, and in 1947 I was in a show called Brigadoon, and in 1949 I was in a show called Love Me Long, and in 1952 I was in a show called the Seven Year Itch.

Chairman WALTER. During that period of your military service, were you a member of the Communist Party?

Mr. KEANE. Sir, I have listened——

Chairman WALTER. I have asked you a question.

Mr. KEANE. For 3 days now to these hearings, and I am here. There are accusations that have been made against me.

Chairman WALTER. Nobody has made any accusations.

Mr. KEANE. Counsel is gagged, and I don't have an impartial judge, and I don't have an opportunity to answer and cross-examine for any charges that are made against me.

Chairman WALTER. No charge is being made.

Mr. KEANE. Yes, sir; and I want you to know that I have always been a patriotic American who loves his country, and I have fought for my country, and I would fight for my country again, and I hope as a result of these hearings that I could continue to be in the position of fighting for my country and I shall not answer that question for the following reason:

First of all, I consider that this hearing is an inquisitorial one and not an investigatory one.

Second of all, I challenge your right under the first amendment to the Constitution to ask me that question, and furthermore, I think that question involves my private thoughts and associations and that by your question you could lead me to introduce associations which,

however innocent in themselves, could tend to place me in danger, and in danger in this atmosphere of fear and hysteria which you have created. I therefore decline to answer the question, and I decline to answer the question on the basis of the first amendment which asserts my freedom of religion and speech and assembly and petition, and I decline also to answer your question on the grounds of the fourth amendment, which proclaims my right to be secure in my person, house, papers, and effects, and I decline also to answer your question by asserting the privilege of the fifth amendment which provides that no person shall be compelled to be a witness against himself, with no inference of guilt.

Chairman WALTER. That isn't what the amendment provides. You have been reading it.

Mr. KEANE. Do you object that I read it?

Chairman WALTER. No; but I want the record to show that what you said is not in the amendment.

Mr. KEANE. When a man is here to defend his life, and does not know the charges against him, and when his lawyer can't stand up and object, it is perfectly reasonable that he should have a paper with him to help him.

Chairman WALTER. You are not charged with anything, and we are asking you some questions.

The question I have asked you is whether you were a member of the Communist Party when you were in the Special Services Branch of the Armed Forces.

Mr. KEANE. I have answered your question, sir.

Chairman WALTER. Well, what is your answer?

(Witness consulted with counsel.)

Chairman WALTER. You decline to answer; isn't that it? You decline to answer for the reasons that you just gave?

Mr. KEANE. It is my impression that I did decline, and I do decline for the reasons that I just gave; yes, sir.

Mr. SCHERER. Mr. Keane, when did you say that your Army service began?

Mr. KEANE. To the best of my recollection, I was inducted into the Army as an enlisted man in December of 1942.

Mr. SCHERER. And you served then until 1946?

Mr. KEANE. Yes, sir; I was commissioned in October of 1943.

Mr. SCHERER. That was during the years that we were a co-belligerent with Russia; was it not?

Mr. KEANE. Well, I fail to see how my having been inducted into the Army and giving 3½ years of my life, what that has to do with that question, and you are talking about something that I had no control over, either the history or being inducted.

Mr. SCHERER. I didn't say you had control. Do you know that to be a fact?

(Witness consulted with counsel.)

Mr. KEANE. You are asking me a historical fact, and I know a little history, and so I will answer "Yes."

Mr. SCHERER. That is all, proceed.

Mr. TAVENNER. Did you receive a Reserve commission on your separation from the service?

Mr. KEANE. I really and honestly don't remember, sir.

Mr. TAVENNER. Are you the holder of a Reserve commission now?

Mr. KEANE. Well, I will tell you the reason why I hesitate. As I understand it, there are two kinds of Reserves, one is the Reserve in which you sign up to join the Organized Reserve, and the other one is a technicality in— it is very difficult when people are talking, sir.

The other is the kind of—Am I amusing you, sir?

Mr. TAVENNER. No.

Mr. KEANE. The other is the kind of commission which automatically is kept while the country is technically in a state of war, and I received such a letter from President Truman which reminded me of that, and so my recollection is to the best of my knowledge that I did not, in other words, apply for and ask for the first kind of Reserve commission in the Army.

Mr. TAVENNER. How long a period of time were you in the second type of Reserve?

Mr. KEANE. I don't know, sir, and I don't know the laws of the country as regarding that kind of Reserve.

Mr. TAVENNER. Are you a member of the Reserve now? That is a question I asked you earlier which you have answered only inferentially.

Mr. KEANE. I am not trying to avoid it.

Mr. TAVENNER. Are you a member of the Reserve now?

Mr. KEANE. Then I have to tell you in all good faith, I don't know, sir.

Mr. TAVENNER. You returned, you said, from the service in April of 1946, I believe?

Mr. KEANE. I returned to civilian life; yes, sir.

Mr. TAVENNER. How soon after your return did you engage in the profession of acting?

Mr. KEANE. That is 9 years ago, sir, and to the best of my knowledge I would think soon after.

Mr. TAVENNER. Were you a member of Actors Equity prior to your going into the service?

Mr. KEANE. My first job was in 1938, and I had to join Equity then, and so the answer is "Yes."

Mr. TAVENNER. Did you reaffiliate with the organization upon your return from the armed services or maintain your guild membership?

Mr. KEANE. Yes; to the last part of your question.

Mr. TAVENNER. You maintained it?

Mr. KEANE. Yes.

Mr. TAVENNER. Then you were a member of that organization in 1946, and in 1947.

Mr. KEANE. Certainly.

Mr. TAVENNER. During that period of time, 1946 and 1947, were you a member of a group of the Communist Party composed of actors in the city of New York?

Mr. KEANE. I have already answered that question, if I am not mistaken.

Mr. TAVENNER. No, that question has not been answered.

Mr. KEANE. Then I decline to answer that question on the grounds of the first and the fifth amendments.

(Witness consulted with counsel.)

Mr. TAVENNER. I am reminded of this point, that I have not given you an opportunity to tell the committee what television credits you have received.

Mr. KEANE. Well, since the time of the blacklisting, which is about 5 or 6 years ago, to my recollection, I have very few television credits, and I would be reluctant to discuss them with you for the following reason——

Mr. SCHERER. Let me interrupt. Why were you put on the blacklist?

Chairman WALTER. If he was.

Mr. SCHERER. He infers that he was put on a blacklist, and I want to know why he was put on the blacklist, and who put him on.

(Witness consulted with counsel.)

Mr. KEANE. The answer to the question is that I cannot answer as to the motivation of the people who put me on the blacklist, whether it was malevolence, envy, or psychosis, or what.

Chairman WALTER. What people put you on what blacklist?

(Witness consulted with counsel.)

Mr. KEANE. There is a blacklist called Red Channels, and there are blacklists which is something which would be good for this committee to investigate, sir, which are circulated among the agencies and the hiring, and the agents, and the sponsors, and this has been very well documented in the press.

Mr. SCHERER. When were you put on this, what you call a blacklist?

Mr. KEANE. Well, I don't put quotes around blacklist, sir. It is what I say is a blacklist.

Mr. SCHERER. All right.

Mr. KEANE. When was I put on the blacklist, you mean?

Mr. SCHERER. Yes.

Mr. KEANE. To the best of my recollection, Red Channels, which is run by blacklisters, or was run then by blacklisters who profit from blacklisting. There is a man called Vincent Hartnett, who gets paid for clearing names, that is his profession, to the best of my knowledge, Red Channels came out in 1949.

Mr. SCHERER. Were you named as early as 1949?

Mr. KEANE. Yes, sir.

Mr. SCHERER. Why were you named?

Mr. KEANE. I have already answered that.

Mr. SCHERER. Well, isn't it a fact, that you were so named because of your Communist Party activities?

Mr. KEANE. I decline to answer for the same reasons I gave before.

Mr. SCHERER. Why did they have such a blacklist that you are telling us about?

Mr. KEANE. Well, you see there are only a certain number of jobs in the theater, and some people think the way to get these jobs is to drive out those who are working, and also there are people who object——

(Witness consulted with counsel.)

Mr. SCHERER. They didn't put you on the blacklist because you were a bad actor, did they?

Mr. KEANE. The blacklist had nothing to do with talent, sir.

Mr. SCHERER. Well, what does it have to do with?

Mr. KEANE. Don't you know? Shall I tell you?

Chairman WALTER. Yes, you are the one who raised the question. (Witness consulted with counsel.)

Mr. SCHERER. Maybe I can help.

Mr. KEANE. Did that last remark go in the record?

The blacklist, and this blacklist was created for the censoring of people's beliefs.

Mr. SCHERER. The only reason people were put on this blacklist was because of their Communist Party activities, and for no other reason, isn't that right?

Mr. KEANE. Is that your statement or is that a question?

Mr. SCHERER. I asked you a question.

Mr. KEANE. You know that when we get on this area, I am up against the wall, and I have to face the possibility of going to jail, and that my lawyer here cannot stand up——

Mr. SCHERER. That is only if you commit perjury.

Mr. KEANE. And perjury is a very technical thing, and which is very hard for a poor actor to understand, and——

Mr. SCHERER. Everybody understands what telling the truth is, and what lying is.

Mr. KEANE. It is a very tricky thing, because if you would like to debate with me outside, I would be very, very happy to.

Mr. SCHERER. You wouldn't be under oath then, that is the reason you are willing to debate outside.

Mr. KEANE. Are you under oath?

Chairman WALTER. We are all under oath—

to support and defend the Constitution of the United States against all of its enemies, foreign and domestic.

That is the oath every Member of the Congress took.

Mr. KEANE. And everyone you disagree with, you try to smear, because you prejudge them.

Chairman WALTER. Now answer the question. You raised the question about this blacklist, so now, answer it.

Mr. KEANE. I don't think there is a question. What is the question, please? This may be funny to you, sir, but I am fighting for my life here.

Mr. SCHERER. I will repeat the question.

Isn't it a fact that the only reason people were put on this blacklist by their associates was because of their activities, known activity, in the Communist Party?

Mr. KEANE. I consider that sir, to be a trick question, which is attempting to get me to discuss questions which you know that I cannot discuss freely and openly without getting into trouble. You don't have to direct me, because on that question I will take the first and fifth amendments.

Chairman WALTER. All right, proceed, Mr. Tavenner.

Mr. TAVENNER. Haven't you made the statement in discussing this question of blacklisting that there were friends among the directors who would take these lists into account in the employment of the people, and therefore it was a list that would work both ways; there were some directors who would give preference to people who were on such a list?

Mr. SCHERER. Like Peter Lawrence.

Mr. KEANE. What is the question here? Is it this question or is it that question?

Mr. TAVENNER. The question I asked you.

Mr. BOUDIN. He is a member of the committee. Who is asking this last question, and could we have that?

Chairman WALTER. Ask the question again, Mr. Tavenner.

Mr. TAVENNER. Read the question.

(Whereupon the reporter read the pending question as above recorded.)

(Witness consulted with counsel.)

Mr. KEANE. Have I made such a statement, sir?

Mr. WILLIS. He is asking you whether you did or not, and that is a simple question.

Mr. KEANE. You mean in testimony here?

Mr. TAVENNER. No.

Mr. KEANE. To the best of my knowledge, no, unless you have something or some private information there, that will refresh my memory.

Mr. TAVENNER. Have you addressed any meetings on the subject of blacklisting?

Mr. KEANE. Well, you see now we are again on a question, in an area which is very dangerous, because I have been prejudged here, and because people cannot cross-examine you or your information, and you reluctantly require me, because of my fear of the association that you will make to this and other associations, to assert my privilege under the fifth amendment which states that a person may not be required to testify against himself, with no inference of guilt.

Mr. WILLIS. It looks like that pet subject has turned into an amendment.

Chairman WALTER. "Without any inference of guilt." That is a brand new amendment to the Constitution.

Now, since 1950, where have you been employed?

Mr. KEANE. In 1950 I was unemployed.

Chairman WALTER. In 1951 where were you employed?

Mr. KEANE. In 1951 I was unemployed.

Chairman WALTER. In 1952 where were you employed?

Mr. KEANE. Now excuse me sir, I just have to say that it may have been that that writing job that I was talking to you about, that radio writing job, might have been in 1951 or 1952, and so I hesitate to change it to make——

Mr. SCHERER. What was the writing job that you told us about, I don't recall?

Mr. KEANE. It was a radio writing job.

Mr. SCHERER. What was the subject?

Mr. KEANE. A radio serial.

Mr. SCHERER. For whom?

Mr. KEANE. Vulgarly known as a soap opera.

Mr. SCHERER. You gave us the name before and I have forgotten it.

Mr. KEANE. Marriage For Two.

I believe I was employed on this writing work in 1951, but it may be 1952.

Now, in 1952 I was employed in a play called The Seven Year Itch.

Chairman WALTER. Then after that, what employment did you have?

Mr. KEANE. Well, something happened to me which is a consummation, devoutly to be wished, I was in Seven Year Itch for 2 years and 3 months, up until March of this year.

Chairman WALTER. Since March of this year, what have you been doing?

Mr. KEANE. Since March of this year I have been unemployed, except for, I believe, the best of my knowledge, I appeared in one television show since that time, and directed these 2 plays up at Green Mansions.

Mr. TAVENNER. What television show was that?

Mr. KEANE. I believe it was called Studio One, and I am dreadful on names, but it was a half hour or 1-hour television show, on CBS.

(Witness consulted with counsel.)

Mr. TAVENNER. Did you attend any caucus within Actors Equity composed of members of the Communist Party?

Mr. KEANE. That is a question that no court in this land would allow, and I object to it and I protest it, and I decline to answer it because of the first and fifth amendments.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. KEANE. I decline to answer because of the first and fifth amendments, sir.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Chairman WALTER. Are there any further questions?

The witness is excused.

Call your next witness, Mr. Tavenner.

Mr. TAVENNER. Mr. Albert Ottenheimer.

Chairman WALTER. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. OTTENHEIMER. I do.

TESTIMONY OF ALBERT M. OTTENHEIMER, ACCOMPANIED BY HIS COUNSEL, ROYAL W. FRANCE

Mr. OTTENHEIMER. I have a statement, Mr. Chairman, that I prefer to read.

Chairman WALTER. We don't provide for that.

Mr. TAVENNER. What is your name, sir?

Mr. OTTENHEIMER. Will you allow me just a second, please?

Mr. TAVENNER Will you state your name, please, sir?

Mr OTTENHEIMER. My name is Albert Ottenheimer.

Mr. TAVENNER. Will you spell your last name?

Mr. OTTENHEIMER. O-t-t-e-n-h-e-i-m-e-r.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. FRANCE. Royal W. France, 104 East 40th Street, New York City.

Mr. TAVENNER. When and where were you born, Mr. Ottenheimer?

Mr. OTTENHEIMER. I was born in Tacoma, Wash., on September 6, 1904.

Mr. TAVENNER. Where do you now reside?

Mr. OTTENHEIMER. New York City.

Mr. TAVENNER. How long have you been a resident of New York City?

Mr. OTTENHEIMER. Approximately 4½ years.

Mr. TAVENNER. Prior to that time, where did you reside?

Mr. OTTENHEIMER. Well, as a child I lived in Tacoma, and then I went to college in Seattle and I remained there.

Mr. TAVENNER. What is your profession?

Mr. OTTENHEIMER. I am an actor.

Mr. TAVENNER. Will you tell the committee what your formal educational training has been?

Mr. OTTENHEIMER. Yes, I attended the public schools of the city of Tacoma, and then—Is the committee ready to hear me now?

Mr. TAVENNER. Proceed, please.

Mr. OTTENHEIMER. I went through the public schools of the city of Tacoma, and then I attended the University of Washington in Seattle, and I graduated.

Mr. TAVENNER. In what year did you graduate?

Mr. OTTENHEIMER. In 1927.

Mr. TAVENNER. Will you tell the committee, please, during what period of time you have been engaged professionally as an actor?

Mr. OTTENHEIMER. I stayed on and did a year of graduate work at the university, and approximately since the conclusion of that year.

Mr. TAVENNER. Will you tell the committee please what stage credits you have received, that is the major ones?

Mr. OTTENHEIMER. Well, you mean here in New York?

Mr. TAVENNER. Let us begin first back in Washington.

Didn't you hold a position in the State of Washington as an official of some theater group?

Mr. OTTENHEIMER. Yes, I helped found one of the finest professional community theaters in the United States.

Mr. TAVENNER. What was its name?

Mr. OTTENHEIMER. Its name was the Seattle Repertoire Playhouse.

Mr. TAVENNER. During what period of time were you officially connected with it?

Mr. OTTENHEIMER. Approximately 20 years.

Mr. TAVENNER. When did your connection with it cease?

Mr. OTTENHEIMER. About 1948.

Mr. TAVENNER. I interrupted you. Will you proceed now with your principal stage credits in the State of Washington?

Mr. OTTENHEIMER. Well, while I was at the Playhouse, I acted in exactly 150 plays by count, and I have a long list of them here.

Mr. TAVENNER. We do not want a list of 150. Just pick out 5 or 6 that you consider to have been your most successful or your major plays.

Mr. OTTENHEIMER. Well, I played in Twelfth Night; and I was the stage maanger in Our Town; in The Man Who Came to Dinner; in Peer Gynt; and in Romeo and Juliet.

That doesn't exhaust the list in case you are interested.

Mr. TAVENNER. I wanted you to pick out 5 or 6 that you consider the major plays, and if you have any others that you desire to mention, why it will be satisfactory for you to do so.

Mr. OTTENHEIMER. That is all right.

Mr. TAVENNER. Will you tell us what your career has been in the city of New York?

Mr. OTTENHEIMER. Well, I was engaged in radio and television for about 2 years.

Mr. TAVENNER. Beginning when?

Mr. OTTENHEIMER. To the best of my recollection, in 1951, I engaged in radio and some television.

Mr. TAVENNER. Will you describe your work in radio and television?

Mr. OTTENHEIMER. Well, I worked on radio programs, principally soap operas, and I worked on some television shows, as an actor.

Mr. TAVENNER. What television shows did you work on?

Mr. OTTENHEIMER. I prefer not to mention the specific programs, because it would be just double insurance that I would never work for them again. Besides, it puts some very nice and altogether innocent people in a very unhappy light to have their names mentioned here.

Mr. TAVENNER. The fact that you worked for them?

Mr. OTTENHEIMER. Obviously, since I have been hailed before this committee, it certainly is not going to do them any good.

Mr. TAVENNER. I ask that he be directed to answer.

Chariman WALTER. I direct you to answer that question.

Mr. OTTENHEIMER. May I have the question?

Mr. TAVENNER. The question was, for whom did you work in television? You began to tell us of the television work that you had done here in the city of New York since 1951.

Mr. OTTENHEIMER. The majority of this work was done in 1951 and 1952, because at the end of that time my television and radio work dropped off very rapidly, very markedly.

Mr. TAVENNER. Tell us what shows you were in, please?

Mr. OTTENHEIMER. Well, yes, I will be glad to.

Mr. TAVENNER. And for whom you worked.

Mr. OTTENHEIMER. I worked on the Robert Montgomery Show; Man Against Crime; The Hunter; Lights Out; What's My Name; radio show of Mystery Theater; Counterspy; Under Arrest; Murder by Experts; Miss Myra's Travellers; Newstand Theater; Whispering Streets; Life Can Be Beautiful; Rose Marie; The Right to Happiness; Lorenzo Jones; and so on.

Mr. TAVENNER. Have you since 1945 engaged in any other occupation besides that connected with the theater as an actor, or in television or radio?

Mr. OTTENHEIMER. I don't know if I understand your question.

Mr. TAVENNER. Have you engaged in any other occupation or performed any other work?

Mr. OTTENHEIMER. In the theater, you mean?

Mr. TAVENNER. Any other work in addition to your work as an actor, or as a television or radio actor?

(Witness consulted with counsel.)

Mr. OTTENHEIMER. To the best of my recollection, the principal work that I have done has been connected either directly or indirectly with the theater.

Chairman WALTER. Not the principal work. Were you engaged in any work other than that connected with the theater?

Mr. OTTENHEIMER. I did some research work.

Chairman WALTER. For whom?

Mr. OTTENHEIMER. And writing, for a private economic consulting organization.

Mr. TAVENNER. Did you engage in teaching at any time?

Mr. OTTENHEIMER. Yes; I taught at the school, our theater, and I taught history of the theater, and I taught makeup.

Mr. TAVENNER. At what school?

Mr. OTTENHEIMER. At the school of the theater at the Seattle Repertoire Playhouse.

Mr. TAVENNER. Did you teach in any other school?

(Witness consulted with counsel.)

Mr. OTTENHEIMER. On that question, I must decline to answer. I must decline on the grounds first of all that I believe that this question relates to matters outside of the powers of this committee.

Secondly, I believe that that question violates any rights of freedom of speech, thought, and association guaranteed by the first amendment of the Constitution.

In the third place, as it is enshrined in our Constitution, as a bulwark against the arbitrary and unreasonable enroachment of the Government into personal beliefs and private affairs of the citizen, I proudly invoke my privilege under the fifth amendment.

Mr. SCHERER. If you feel that way about this particular question, why did you so freely answer when Mr. Tavenner asked you if you taught at the theater school? Doesn't that question invade your rights of association?

(Witness consulted with counsel.)

Mr. OTTENHEIMER. I think I have already given an answer to that.

Mr. SCHERER. Is there any difference? You told us about one school freely, and you told us about all of the plays, and radio shows that you participated in; that was done freely, and doesn't that violate your right of privacy?

Mr. OTTENHEIMER. Mr. Scherer, I think that I have answered that question.

Mr. SCHERER. That is all.

Mr. TAVENNER. Mr. Ottenheimer, I have before me an exhibit which was introduced in March of this year at our hearings in Seattle during the course of the testimony of Mr. Eugene Dennis. It is in the curriculum of the Pacific Northwest Labor School, for the spring term of 1947.

Mr. OTTENHEIMER. That was 8 years ago.

Mr. TAVENNER. In 1947. Will you examine the document, please, and state whether or not you taught course 204 in that school?

(A document was handed to the witness.)

(Witness consulted with counsel.)

Mr. OTTENHEIMER. I am forced to decline to answer that question for the reasons previously stated.

Chairman WALTER. Now just a moment. You are not forced.

Mr. OTTENHEIMER. Yes; I am, sir.

Chairman WALTER. You mean, "I decline to answer."

Mr. OTTENHEIMER. No; I am forced, and you know, I remembered you quoted in the paper, about the pressures.

Chairman WALTER. Never mind.

Mr. OTTENHEIMER. Please let me finish.

Chairman WALTER. No; I am not going to let you finish.

You say you decline to answer, and you are forced?

Mr. OTTENHEIMER. I am forced by the dictates of my conscience, which is the strongest possible force.

Chairman WALTER. Ask the next question, Mr. Tavenner.

Mr. TAVENNER. The Pacific Northwest Labor School was a Communist supported school in Seattle, was it not?

Mr. OTTENHEIMER. I am forced to decline to answer that question for the reasons given previously.

Mr. TAVENNER. Were you acquainted with Barbara Hartle, while living in Seattle?

Mr. OTTENHEIMER. Now you are asking me questions about my associations and for the reasons given, I must decline to answer that question, and further because it is not merely a privilege, it is a necessity. I believe that it is the duty of a citizen to resist these kinds of incursions into one's private beliefs, one's associations, and one's friendships, and one's acquaintances.

Mr. TAVENNER. Barbara Hartle was considered the No. 2 person in the Communist Party in the State of Washington, and was tried as one of the defendants in the Smith Act case which was tried there about 2 years ago. Barbara Hartle did not take the stand in the trial of that case, but after she and the rest were convicted, and after her sentence she testified for a period of 4 or 5 days before this committee. She stated that she desired to testify after being sentenced because she didn't want any persons who were in the Communist Party to feel that she was testifying in order to lighten, in any way, the sentence that may be imposed upon her. She gave one of the most complete explanations of the purpose of the Communist Party and the activities of the Communist Party for her particular area that this committee has heard from any witness.

In the course of her testimony, she identified you as a member of the Communist Party, with whom she had had conferences, in the Repertory Branch of North King County.

Were you a member of the Repertory Branch of the North King County section of the Communist Party?

Mr. OTTENHEIMER. You know, Mr. Tavenner, in asking that question, you are working hand-in-glove with these blacklisters who are trying to see to it that I never earn a livelihood at my profession again. Do you know that?

Mr. TAVENNER. Will you answer the question?

Mr. OTTENHEIMER. I must decline to answer that question.

Mr. TAVENNER. You came to New York in 1951; have you been a member of the Communist Party since arriving in New York in 1951?

Mr. OTTENHEIMER. I must decline to answer that question for the reasons previously stated.

Mr. TAVENNER. You have not just passively supported the Communist Party, you have done it in a very active way; haven't you?

Mr. OTTENHEIMER. Are you making a statement or asking me a question?

Mr. TAVENNER. Were you one of the group who defended the Soviet purges, the purges by Stalin in the Soviet Union, in 1938?

Mr. OTTENHEIMER. In 1938, that is 17 years ago.

(Witness consulted with counsel.)

Mr. OTTENHEIMER. I have no recollection of that at all, it is so long ago, but nevertheless, for the reasons stated, I must decline to answer the question.

Mr. TAVENNER. I want to be certain you are being done no injustice about that, sir.

Mr. OTTENHEIMER. I wish I could believe that.

Chairman WALTER. Just keep quiet and it will be proven to you.

Mr. TAVENNER. I have before me the statement signed by a number

of people, and I have just noticed that the middle initial is different from your name as I knew it. What is your middle initial?

Mr. OTTENHEIMER. M.

Mr. TAVENNER. The middle initial appearing in this list is L. Whether it is AL., as an abbreviation, or whether the initials are A. L. Ottenheimer. I am not certain.

Will you examine it please, and state whether or not it is your name?

(A document was handed to the witness.)

(Witness consulted with counsel.)

Mr. OTTENHEIMER. This looks like the initials, two capital letters, A. L., and I must answer as I did before. I have absolutely no recollection of this, but nevertheless I decline to answer on the basis of the reasons previously given.

Mr. TAVENNER. Did you sign such a letter?

(Witness consulted with counsel.)

Mr. OTTENHEIMER. It is the same answer.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. OTTENHEIMER. I think I have already answered that, Mr. Tavenner, but I want it to be clear what my answer is, that I have never committed espionage or sabotage, and I have never knowingly used or advocated the use of force and violence for the overthrow of my Government or for any other reason; but on the contrary, I have always been deeply and unswervingly loyal to the land of my birth.

Chairman WALTER. Let us get an answer to the question.

Mr. OTTENHEIMER. The answer is that I must decline to answer that question, first of all because I believe it relates to matters outside of the powers of this committee, and secondly, that it violates my rights of free speech and thought and association guaranteed by the first amendment of the Constitution, and thirdly, I proudly adopt the privilege of the fifth amendment

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Chairman WALTER. Are there any questions?

The witness is excused.

The committee will stand in recess until 10 o'clock tomorrow morning.

(The committee thereupon recessed at 4:30 p. m., to reconvene at 10 a. m., Thursday, August 18, 1955.)

INVESTIGATION OF COMMUNIST ACTIVITIES, NEW YORK AREA—PART VII

(Entertainment)

THURSDAY, AUGUST 18, 1955

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
New York, N. Y.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met at 10 a. m., pursuant to recess, in room 1703 of the Federal Building, Foley Square, New York, N. Y., Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representatives Walter, Willis, and Scherer.

Staff members present: Frank S. Tavenner Jr., counsel; Donald T. Appell and Frank Bonora, investigators; and Thomas W. Beale, Sr., chief clerk.

Chairman WALTER. The committee will be in order.

Mr. Tavenner, will you call your first witness?

Mr. TAVENNER. Mr. Alan Manson, will you come forward, please?

Chairman WALTER. Will you raise your right hand, please, Mr. Manson?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MANSON. I do, sir.

TESTIMONY OF ALAN MANSON, ACCOMPANIED BY HIS COUNSEL, ELEANOR JACKSON PIEL

Mr. TAVENNER. Would you state your name, please?

Mr. MANSON. Alan Manson.

Mr. TAVENNER. Will counsel accompanying the witness identify herself for the record, please?

Mrs. PIEL. Eleanor Jackson Piel.

Mr. TAVENNER. Of New York?

Mrs. PIEL. Yes, 3 Groveport, and California, I am a member of the bar in California.

Mr. TAVENNER. When and where were you born, Mr. Manson?

Mr. MANSON. I was born February 6, 1919, in Brooklyn, N. Y.

Mr. TAVENNER. Where do you now reside?

Mr. MANSON. New York City.

Mr. TAVENNER. How long have you been a resident of New York, prior to this immediate time?

Mr. MANSON. I have been a resident all of my life, with the exception of the time I was in the Army, plus the time I have been on the road with shows.

Mr. TAVENNER. What is your profession?

Mr. MANSON. I am an actor.

Mr. TAVENNER. Will you tell the committee please what your formal educational training has been?

Mr. MANSON. I went to public school and I went to high school, and I didn't go to college, that is about it, sir.

Mr. TAVENNER. You stated that you were in the military service. During what period of time were you in the service?

Mr. MANSON. I was inducted on April 10, 1941, and the date of my discharge was on or about November 1, 1946. I don't know if it was the day before or the day after, but it was a long time.

Mr. TAVENNER. Were you engaged in the practice of your profession before entering the armed services?

Mr. MANSON. Yes, sir.

Mr. TAVENNER. For how long a period of time?

Mr. MANSON. From the time I left high school, or even before I left high school, I started acting when I was still in high school at the Cherry Lane Theater in Greenwich Village, and from there I went to my first summer of professional stock and worked as an actor on and off, mostly off at the time, up until the time I was drafted into the Army.

Mr. TAVENNER. On your return from the service in 1946, did you resume the practice of your profession?

Mr. MANSON. Yes, I did sir. Would you like a list of my credits?

Mr. TAVENNER. Yes, from 1946.

Mr. MANSON. I got out of the Army and I went into a play called Call Me Mister, which was a hit, and ran for about a year and a half or so on Broadway, and I then had a period of unemployment in which I did some television and some radio, and I went on the road for Rodgers and Hammerstein in Allegro for about 8 months, and I came back and I did radio and television, and then I did 2 more Broadway shows, Southern Exposure, with the late Margo Jones, and I did a play called Angels Kiss Me, on Broadway, and that was my last Broadway play, and since then I have worked mostly in summer stock, doing packages in the summer and occasionally on television.

Mr. TAVENNER. What television credits have you received?

Mr. MANSON. I haven't done much recently, but I have done mostly all of the big shows. I have been featured on the Philco Playhouse; the Armstrong Theater; Danger; and so on, right down the line. I did a lot of them up to a few years ago.

Mr. TAVENNER. Beginning with your employment in the play Call Me Mister, were you a member of Actors Equity?

Mr. MANSON. Yes, sir, I would have to be. You can't work unless you are.

Mr. TAVENNER. Were you also a member of the American Federation of Television and Radio Artists?

Mr. MANSON. I am a charter member of that union, and I helped form it.

Mr. TAVENNER. What was the date of its formation?

Mr. MANSON. It was about 1937, and that goes back quite a bit, but it was then called the American Federation of Radio Artists, and I hold a charter membership card in that union.

Mr. TAVENNER. How long were you with the play Call Me Mister?

Mr. MANSON. As I said, it ran a little over a year and a half on Broadway.

Mr. TAVENNER. That would then cover the period of 1946 to 1947?

Mr. MANSON. That is right, it closed the first week or it closed about New Years, that is right.

Mr. TAVENNER. Of what year?

Mr. MANSON. Of 1948, just about then.

Mr. TAVENNER. During that period of time, that is, between 1946 and including the year 1947, were you a member of the Communist Party?

Mr. MANSON. I must decline to answer that question on the following constitutional grounds:

Since my private affairs and my personal beliefs and my personal associations and my freedom to speak or not to speak lie in an area in which the Congress is forbidden to legislate, I do not feel that this inquiry into those matters is related to a valid legislative purpose, and that it is therefore an abridgment of my rights under the first amendment. I therefore stand on the first amendment.

Secondly, since the fifth article of the Bill of Rights says you cannot compel me to testify against myself, I stand on the fifth amendment.

Finally since the ninth amendment of the Constitution states that all those rights not enumerated in the Constitution are not meant to be denied or disparaged but reside in the people, I therefore stand on the ninth amendment of the Constitution.

Mr. TAVENNER. Were you aware of the existence of an organized group of the Communist Party composed of members of the acting profession?

Mr. MANSON. I must stand on my constitutional privilege, and I respectfully decline to answer.

Mr. TAVENNER. Did you at any time attend a caucus meeting within either Actors Equity or the American Federation of Television and Radio Artists, composed of members of the Communist Party?

Mr. MANSON. Again, sir, I decline to answer that question on the previous grounds.

Mr. TAVENNER. Are you a member of the Communist Party at this time?

Mr. MANSON. I have previously stated that I cannot answer this question on the constitutional grounds that I mentioned. However, I will tell you that this is not my—I am not telling you this, as I said, I stand on my privilege not to answer this question, but I will tell you——

Mr. TAVENNER. Then does that mean that you refuse to answer?

Mr. MANSON. I refuse to answer. However, two investigators of your committee, sir, have told me that they know I am not a Communist.

Mr. TAVENNER. At this time?

Mr. MANSON. They told me on two separate telephone conversations in which I tried to get this subpena postponed in a very friendly way.

Mr. TAVENNER. Is it a fact that you are not a member of the Communist Party at this time?

Mr. MANSON. I stand, sir, on my right of political privacy, and not to answer your question on the grounds, constitutional grounds that I mentioned, but since you have this intelligence already from your investigators who told me on the phone that they know that I am not a Communist, I don't see particularly why you are asking me, since you know that I have a feeling of political privacy, and therefore I cannot tell you about these things. You have this intelligence already.

Chairman WALTER. Just a minute. You say, "I cannot," by that do you mean that you will not? You could?

Mr. MANSON. I cannot because I am devoted to the principles on which this country is founded, sir.

Mr. TAVENNER. Well, as a matter of fact, if you are not a member of the Communist Party, as some member of the staff indicated to you, why would you now refuse to tell this committee what you know of past Communist Party activities?

Mr. MANSON. I don't know how many times I must repeat this, but I don't like to be redundant, but I feel that these matters lie within a province that is hallowed, that I spent 5 years in the Army for, and I refuse, sir, respectfully, and I know that you are doing your job, and I am doing mine in defending my Constitution.

Mr. SCHERER. Were you a member of the Communist Party during the time that you say that you were in the Army?

Mr. MANSON. Sir, I previously stated—Did you ask me "in the Army"?

Mr. SCHERER. Yes.

Mr. MANSON. Sir, I was a fledgling youth when I went into the Army, and I didn't know anything about politics at that time.

Mr. SCHERER. Were you a member of the Communist Party at that time?

Mr. MANSON. No.

Mr. SCHERER. Were you a member of the Communist Party 1 year after you got out of the Army?

(Witness consulted with counsel.)

Mr. MANSON. I respectfully stand on my rights under the fifth amendment to decline to answer this question.

Mr. SCHERER. Were you a member one day after you got out of the Army?

Mr. MANSON. I am sorry, sir, but I must stand on the fifth amendment.

Mr. SCHERER. I have no further questions.

Mr. TAVENNER. I have no further questions.

Chairman WALTER. The witness is excused.

Mr. TAVENNER. Mr. Tony Kraber.

Chairman WALTER. Will you raise your right hand, please?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KRABER. I do.

TESTIMONY OF TONY KRABER, ACCOMPANIED BY HIS COUNSEL, LEONARD B. BOUDIN

Mr. KRABER. Excuse me, sir, I would like to have no pictures taken while I am testifying.

Chairman WALTER. All right.

Mr. TAVENNER. Will you state your name please?

Mr. KRABER. Tony Kraber.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. BOUDIN. Leonard B. Boudin, 25 Broad Street, New York City.

Mr. TAVENNER. When and where were you born, Mr. Kraber?

Mr. KRABER. I was born in Pittsburgh, Pa., on Mount Washington—which is the place where George Washington stood when he surveyed the confluence of the Allegheny and Monongahela Rivers where they form the Ohio—on Flag Day, 1905.

Mr. TAVENNER. Where do you now reside?

Mr. KRABER. New York City.

Mr. TAVENNER. What is your profession?

Mr. KRABER. I am an actor, director, singer, former broadcasting executive.

Mr. TAVENNER. Will you tell the committee please what your formal educational training has been?

Mr. BOUDIN. Will the chairman kindly carry out the instructions he gave and tell the photograpers not to take pictures while the witness is testifying?

Chairman WALTER. It is very disconcerting to me, and I will ask the photographers to comply with the rules.

Mr. BOUDIN. Would you like to repeat the question which was interrupted, Mr. Tavenner?

Mr. TAVENNER. My question was, Will you tell the committee please what your formal educational training has been?

Mr. KRABER. Yes, sir. I went through the public schools at Pittsbourgh, Pa., graduated with high honor from South Hills High School, and went on to Penn State, that is Pennsylvania State College, and now Pennsylvania State University, and I took my degree of bachelor of arts at the Carnegie Institute of Technology, in Pittsburgh, Pa.

Mr. TAVENNER. When did you receive your degree?

Mr. KRABER. 1927.

Mr. TAVENNER. Will you tell the committee, please, when your professional career as an actor began?

Mr. KRABER. Well, sir, a traveling company of players came to Penn State while I was a sophomore there.

Mr. TAVENNER. Then it began during the period of time that you were a student?

Mr. KRABER. An actor in the company was sick and I took his part and ran away from college for about 2 weeks, as a member of the company, until my family found out that I was away, and sent me back to school, and later on I began, I suppose my formal beginning of my career was in Paris with Ben Greth, who later served in Shakespearian repertory and classical repertory, and I played juvenile leads in Shakespeare with Sir Philip during parts of the two seasons in Paris and later on a season of modern plays there.

Starting with White Cargo, and things of that sort, I was in the films.

Mr. TAVENNER. Let me interrupt you a moment. During part of your career, as a professional actor, were you located in Hollywood?

Mr. KRABER. I have played in Hollywood, and I was in Journey's End, on a nationwide tour of Journey's End, and I first went to Hollywood with that play in 1929, I guess, it was the year of the crash, and it was that season, either the beginning of 1930, and I believe it was the beginning of 1930.

Mr. TAVENNER. You were only there then in connection——

Mr. KRABER. No; I have been to Hollywood since. I tested for a part in the film with Bette Davis, and which was never done because the war intervened. I have never actually made a film in Hollywood except one educational film. I can't remember the name of it. This was in 1941.

Mr. TAVENNER. Will you give the committee please your principal stage credits?

Mr. KRABER. Well, during my stay in Europe, I was in a film with Alice Cary on the Riviera, which was directed by Rex Ingram.

Mr. TAVENNER. When was that?

Mr. KRABER. That was in 1926. I did a series of films for Gomo, also at Nice, and there were short subjects, and these, of course, were in the days of the silent films.

Upon my return I finished college, and then I was in a play, my first play on Broadway, with Walker Whitesides, in the Magician. This was in 1927. Then I was in the Trial of Mary Dugan, with Anne Harding.

Then I did a tour playing juvenile leads in Shakespeare with Fritz Liberry, and I played Bassanio and Laertes and all of the juveniles. I played in 12 different Shakespeare plays by the way, and I have been with the Lunts, and Theater Guild, and Much Ado About Nothing, and I played under Ben Iden Payne, who was formerly director of the Shakespeare Theater at Stratford on Avon, and I have been in some 30 plays and musicals on Broadway, and on the road, including such other plays as Men in White, Having a Wonderful Time.

Most recently I was in See the Jaguar. This past season I was in the Traveling Lady, which was produced by the Playwriters Co.

I am well known as an American folk singer. Some 20 or 25 years ago I was perhaps one of only a half-dozen folk singers known to the Library of Congress, people like Carl Sandburg, who was a good friend of mine, and who has taught me many songs, and whom I have taught songs, even, and other great folk singers of that sort, and I claim my small share in the renaissance of American folk music, which is nearly lost at this time.

Whereas there were very few people, or they were back in the hinterlands——

Mr. TAVENNER. I am sure this is of interest to the committee, but we cannot go into as much detail as that.

I want you to state for the benefit of the committee the major parts of your professional career, but not in such detail.

Mr. KRABER. Yes, sir. I should say, however——

(Witness consulted with counsel.)

Mr. KRABER. That my records of American folksongs, such as my authentic cowboy songs under the title of "The Old Chisholm Trail,"

under the Mercury label, are now what are called standards in the business, and even nowadays when other cowboy records are reviewed by the reviewers, they compare them with mine. I mention this because one of the reasons I am here, I am sure, is the fact that I have been called a guitar player.

Chairman WALTER. Let me disabuse your opinion. We are not interested in whether you are a guitar player or a piccolo player. We are interested——

Mr. KRABER. I think a piccolo player is a very fine thing if he is very good.

Chairman WALTER. Just answer the questions, and then you will find out why you are here.

Mr. TAVENNER. Will you go back to the subject we were discussing, and tell us what further stage credits you have?

Mr. KRABER. I have given concerts both of folk music and formal music, that is lieder, opera, and so forth. In fact, I nearly became an opera singer and I passed my audition.

Mr. TAVENNER. We are not interested in what you might have done.

Mr. KRABER. I thought you asked me for my career, sir.

Mr. TAVENNER. I said the major credits, and it shouldn't be difficult.

Mr. KRABER. I think it is a major credit that last year in 1954, at the Boston Arts Festival, I sang for 12,000 people in Boston. Also, that same season, I gave a concert here in New York at Cooper Union, and it was packed to the doors.

Chairman WALTER. When was that?

Mr. KRABER. I think it was the season of 1953–54.

Chairman WALTER. What have you done this year?

Mr. KRABER. This year, as I mentioned earlier, when Mr. Tavenner asked about recent things, I said this past season I was with the Traveling Lady, produced by the Playwriters Co.

Chairman WALTER. Are you still with that company?

Mr. KRABER. It was unfortunately a flop, a beautiful play, but it only ran 4 weeks.

Chairman WALTER. What else have you done this year?

Mr. KRABER. I have given concerts here and there.

Chairman WALTER. You must have been on the blacklist also.

Mr. KRABER. Some commercial films, and I made a film for the New York Fund in which I played the leading part.

Chairman WALTER. Was that this year?

Mr. KRABER. Yes, sir.

Along about the end of 1941 I was singing at the Coq Rouge, which is a relatively swanky night club on the East Side, and I had an opportunity to go with the pioneer television station, WEBW, which is now WCBS–TV, the Columbia Broadcasting System, working under the famous Gilbert Seldes, who was program director of the station. I was an MC, actor, director, producer, and newscaster.

Chairman WALTER. During what period?

Mr. KRABER. This was in 1942, until the station was shut down by the war.

Mr. SCHERER. Are we only to 1942, or are we going from 1942 to 1955?

Mr. KRABER. If you are pressed for time, sir, I can make this very brief.

Chairman WALTER. We have time, and now, let us get around to this.

Mr. SCHERER. I am afraid the detail won't be as profuse when we get into some of the questions we want to know about.

Mr. TAVENNER. What television credits do you have?

Mr. KRABER. I was about to go on, sir. We all have the New York stations closed down during the war, except for minimum programing, they needed to be on the air 2 hours a week, in order to keep their FCC time.

Mr. TAVENNER. We are interested in getting what information you have as to your major credits and we cannot go into a narrative of that detailed character.

Mr. KRABER. I don't intend to, sir.

Mr. TAVENNER. But you are doing it persistently, and so will you now confine yourself to a statement of what your major credits are?

Mr. KRABER. You want to know my major jobs? I went from there to the short-wave department, although there were lots of jobs on the stage at the time, and I felt it was my duty to go——

Mr. TAVENNER. Now, this is the fourth time, so I am going to ask you directly, what was your last television credit?

Mr. KRABER. Well, I was program director of Dumont's station and then I came back to CBS as executive producer for CBS television, and then I——

Mr. TAVENNER. What was your last television credit, please, sir?

Mr. KRABER. My last broadcasting credit, I was director of special events for the Columbia Broadcasting System network.

Mr. TAVENNER. When was that?

Mr. KRABER. That was in 1951.

Mr. TAVENNER. When did that job terminate?

Mr. KRABER. I was called into the president's office——

Mr. SCHERER. Just a moment, the question is, "when," and that is a date.

Mr. KRABER. In 1951.

Mr. BOUDIN. You addressed me as "professor" yesterday, and I know you didn't mean it as impertinent, and are you under the impression that I am a professor of law?

Chairman WALTER. Because you were a professor at the Jefferson School, the Communist school in New York City, that is why.

Mr. BOUDIN. Am I a witness here?

Chairman WALTER. No.

Mr. BOUDIN. Is it your custom to address counsel that way?

Chairman WALTER. I thought I was being——

Mr. BOUDIN. You thought you were being what, Mr. Chairman?

Mr. TAVENNER. Let us get down to the facts involved here, Mr. Kraber. During 1934 and 1935, were you acquainted with Mr. Clifford Odets?

Mr. KRABER. Mr. Clifford Odets, of course, is a well-known figure in the entertainment industry of this country.

Mr. TAVENNER. Will you answer the question, please?

Mr. KRABER. And I have been in the profession since 1927.

Mr. TAVENNER. Mr. Chairman, the answer is not responsive to the question, and may I ask for a direction?

Chairman WALTER. Yes; that isn't responsive, and I direct you to answer the question.

Mr. BOUDIN. Would you repeat the question?

Mr. TAVENNER. The question is, Were you acquainted with Clifford Odets during 1934 and 1935?

Mr. KRABER. And during Mr. Odets' recent history?

Chairman WALTER. I direct you to answer the question.

Mr. WILLIS. I think he should be warned he is in contempt.

Chairman WALTER. I direct you to answer the question.

Mr. KRABER. I assert and declare all of my rights and privileges under the Constitution and the Bill of Rights of the United States of America which I am very proud to be a citizen of, and I particularly assert my privileges under the first amendment and under the fifth amendment, and I decline to answer the question about Clifford Odets.

Mr. TAVENNER. Mr. Clifford Odets appeared as a witness before the Committee on Un-American Activities in May of 1952. He described at that time to the committee a group of the Communist Party of which he was a member during the years 1934 to 1935. He was speaking particularly of a group of Communist Party persons in the Group Theater. He told the committee that he was a member of that group of the Communist Party, and he advised the committee that Tony Kraber was also a member of that group.

Were you a member of a Communist Party organization within Group Theater in 1934 or 1935?

Mr. KRABER. Have you finished your question, sir?

Mr. TAVENNER. Yes, sir.

Mr. KRABER. I believe this question to be an invasion of my rights under the Constitution and the Bill of Rights, and I decline to answer that question on the ground of the first amendment which guarantees privacy of association and under the fifth amendment.

Mr. TAVENNER. Mr. Elia Kazan was a witness before the Committee on Un-American Activities, and I want to give you some factual information which he gave the committee as a basis for asking you several questions.

Mr. Kazan testified that he was a member of the Communist Party for about 19 months at a slightly later date than that testified to by Mr. Odets. He testified that he was recruited into a Communist Party organization formed within the Group Theater by Tony Kraber. Mr. Kazan testified that there were four major purposes of the Communist Party in the organization of that group or that cell of the Communist Party within Group Theater.

The first he said was to educate ourselves in Marxism and party doctrine.

The second purpose of the Communist Party was to help the party get a foothold in Actors Equity Association. By the way, he asserts during the course of his testimony that they were unsuccessful in obtaining any major foothold within that organization.

Three, to support various front organizations of the party.

And fourth was to try to capture the Group Theater, and make it a Communist mouthpiece.

In the course of his testimony, he described the tactics used by the Communist Party to help obtain a foothold in Actors Equity.

This is the way he described it:

> The tactics and the sincere effort of many individuals was to raise a demand that actors receive pay during the weeks when they rehearsed for shows. The long-range plan was by leading a fight for a reasonable gain for the actors to

gain prestige for individual Communists, and sympathizers who the Party hoped would then run the union.

Mr. Kazan also described the purposes of the Communist Party in being active in front organizations. He said this:

Most of our time, however, went directly or indirectly into providing entertainment for the meetings and rallies of front organizations and unions. The entertainment was strictly propaganda.

Will you tell the committee, please, whether any part of the testimony by Mr. Kazan, which I have called to your attention, was erroneous, as far as you know?

Mr. KRABER. Is this the Kazan that signed the contract for $500,000 the day after he gave names to this committee?

Mr. TAVENNER. I know nothing about that.

Mr. SCHERER. I ask you direct the witness to answer the question.

Mr. TAVENNER. Would it change the facts if he did?

Mr. KRABER. Would you sell your brothers for $500,000?

Mr. SCHERER. Do you say that Mr. Kazan committed perjury before this committee; that is what you stated when you said, "Would you sell your brothers"?

Mr. KRABER. Would you read that answer back please? Mr. Scherer has just said I have said something, and I believe the record will show that I did not say what he said I said.

Chairman WALTER. Was the testimony false?

Mr. KRABER. Mr. Chairman, I will decline to answer this question on the same grounds as I stated for declining to answer the question about Clifford Odets.

Mr. TAVENNER. Did you recruit Mr. Kazan into the Communist Party?

Mr. KRABER. I decline to answer that question on the grounds of the first amendment and the fifth amendment.

Mr. TAVENNER. Mr. Kazan told the committee the circumstances under which he ceased to be a member of this group of the Communist Party, and withdrew from the Communist Party activities. He described it in this way:

I was instructed by the Communist unit to demand that the group—

now that is a "group" speaking of the Group Theater—

that the group be run "democratically"—

that is in quotations.

This was a characteristic Communist tactic. They were not interested in democracies, they wanted control. They had no chance of controlling the directors, but they thought if authority went to the actors, they would have a chance to dominate through the usual tricks of behind-the-scenes caucuses, bloc voting, and confusion of issues.

Did you observe that tactic of the Communist Party?

Mr. KRABER. I decline sir, to answer that question on the grounds of the first amendment and the fifth amendment, as an unwarranted invasion of my privacies and rights.

Mr. TAVENNER. Mr. Kazan further testified:

This was the specific issue on which I quit the party. I had enough regimentation, enough of being told what to think and say and do, enough of their habitual violation of the daily practices of democracy to which I was accustomed.

The last straw came when I was invited to go through a typical Communist scene of crawling and apologizing, and admitting the error of my ways. The

invitation came from a Communist functionary, brought in for the occasion. He was introduced as an organizer of the auto workers union from Detroit. I regret that I cannot remember his name. In any case, he probably did not use his own name. I had never seen him before nor he me.

He made a vituperative analysis of my conduct in refusing to fall in with the party line and plan for the Group Theater and he invited my repentance.

My fellow members looked at him as if he were an oracle. I have not seen him since.

Do you recall that incident described by Mr. Kazan?

Mr. KRABER. I decline to answer that question on the grounds of the first amendment and the fifth amendment.

Mr. TAVENNER. Is Mr. Kazan's description of the method used by the Communist Party among actors an accurate description?

Mr. KRABER. I decline to answer that question, sir, on the grounds previously stated.

(Witness consulted with counsel.)

Mr. TAVENNER. I assume in engaging in the profession in which you are engaged that you have been a member and still are, of Actors Equity?

Mr. KRABER. I don't see what this committee has to do about asking about membership in unions. You probably know that the entire theatrical field is covered by a union shop and that you cannot work in the field unless you are a member of the union. I am an early member, relatively early member of Actors Equity, and I joined it in 1927.

Mr. TAVENNER. Are you also a member of the American Federation of Television and Radio Artists?

Mr. KRABER. I am happy and proud to say that I helped to found that union, and I am one of the founding members of that union.

Mr. TAVENNER. Was there in existence within either or both of these unions an organized group of the Communist Party similar to that described by Mr. Kazan in the Group Theater?

Mr. KRABER. I believe, sir, that political associations are the private business of the citizen and I decline to answer that question on the grounds of the first and fifth amendments.

(Witness consulted with counsel.)

Mr. TAVENNER. Did you at any time hold an office or position of any character in either of the two unions mentioned?

Mr. KRABER. No, sir, beyond being teller or something of that sort, I was not.

Mr. TAVENNER. I called your attention to Mr. Kazan's statement, that one of the purposes of the Communist Party, the Group Theater, was to support various front organizations of the party. He testified that most of the time of the actors went directly or indirectly into providing entertainment for meetings and rallies.

We have heard testimony regarding that as late as 1946 and 1947 and also by Mr. George Hall, in which he stated that providing entertainment for the benefit of the Communist Party was expected of him as his contribution to the party, as a party member.

I find a news item in a photostatic copy of the Daily Worker of March 26, 1938, advertising a concert to be given by the American Music Alliance, which presented an emergency concert for Spain for the benefit of the Friends of the Abraham Lincoln Brigade. One of the persons recited as taking part was Tony Kraber. Was this is an

instance in which you were carrying out a Communist Party assignment, or what you considered a Communist Party responsibility?

Mr. KRABER. I decline to answer that, sir, on the grounds of the first amendment, and I assert my privilege under the fifth amendment.

Mr. SCHERER. Witness, have you entertained for Communist Party activities in the past year?

Mr. KRABER. I decline to answer that, sir, on the grounds I just stated.

Mr. TAVENNER. I see also from a photostatic copy of the Daily Worker issue of May 7, 1938, in a column entitled "What's On," that Tony Kraber was to entertain under the auspices of the Village Branch of the American League for Peace and Democracy. Was that a front activity engaged in by you at the instance of the Communist Party?

Mr. KRABER. I decline to answer that question, sir, under the first amendment and I assert my privilege under the fifth amendment.

Mr. TAVENNER. I have before me a photostatic copy of the January 26, 1934, issue of the Daily Worker, and I find there an article, the title of which is, "Rally for Defense of the U. S. S. R. at FSU Convention Night."

From the initials indicated it means Friends of the Soviet Union.

Your name, the name Tony Kraber, is mentioned as one of the entertainers. Was that a Communist Party assignment of yours?

Mr. KRABER. I decline to answer that on the grounds of the first amendment and I assert my privilege under the fifth.

Mr. TAVENNER. I have before me a photostatic copy of the December 21, 1943, issue of New Masses, where there is quarter-page advertisement of an all-star show to aid Spanish Republicans, entitled "Fund for Freedom," under the auspices of the Joint Anti-Facist Refugee Committee, in which the name of Tony Kraber is one of those expected to entertain. Was that a Communist Party assignment in a front organization?

Mr. KRABER. I decline to answer that, sir, on the grounds previously stated.

Mr. SCHERER. Did you ever receive any compensation from the Communist Party for any work done by you?

Mr. KRABER. I decline to answer that question, Representative, on the grounds of the first amendment and I assert my privilege under the fifth amendment.

Mr. TAVENNER. I have before me a letterhead of the Theater Arts Committee on which the name Tony Kraber appears as a member of the executive board. Were you a member of the executive board of that organization?

Mr. KRABER. I decline to answer that question, sir, under the first amendment and I assert my privilege under the fifth amendment.

Mr. TAVENNER. Was the Theater Arts Committee created for the purpose of carrying out the Communist Party line or acting as a propaganda agency for the Communist Party?

Mr. KRABER. I decline to answer, sir, on the same grounds.

Mr. SCHERER. Has that organization been cited, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

I have before me a photostatic copy of the April 30, 1954, issue of the Daily Worker and I see there an article entitled, "Third National Vet Arts Show Opens May Day." In the article appears this paragraph:

> On Sunday night, May 2, there will be a forum at 9 on the political climate in America, and its effect on the arts. The speakers are Millard Lampell, Tony Kraber—

and then another individual.

Did you speak on that occasion?

Mr. KRABER. I decline to answer that question, sir, under the first amendment and I assert my privilege under the fifth.

Mr. TAVENNER. That was April 30, 1954. Are you acquainted with Millard Lampell?

Mr. KRABER. He is an author, and radio writer.

Mr. TAVENNER. Do you know whether or not he was a member of the Communist Party?

Mr. KRABER. I decline to answer that question, sir, under the grounds I have stated, the first amendment, and I assert my privilege under the fifth.

Mr. TAVENNER. Were you a member of the Communist Party, on April 30, 1954?

Mr. KRABER. I decline to answer that question, sir, under the grounds of the first amendment, and I assert my privilege under the fifth amendment.

Mr. TAVENNER. I have before me a photostatic copy of the June 23, 1954, issue of the Daily Worker where there appears an advertisement of an entertainment event entitled, "Cultural Event of 1954," which is an advertisement of the American Peace Crusade. It is noted that the entertainers include Tony Kraber, John Randolph, and Paul Robeson. Will you tell the committee please whether or not in engaging in that performance, or in agreeing to do so, you were carrying out a Communist Party assignment?

Mr. KRABER. If you would like me to bring my guitar and sing you some of my American songs, you can see whether they are subversive or not. I have sung for the Red Cross, I have sung for schools——

Chairman WALTER. Answer the question. I agree your songs are splendid, and I bought most of them, and I enjoy them very much.

Mr. TAVENNER. Have you sung for the Communist Party?

Mr. KRABER. I decline to answer the question, sir, on the grounds of the first amendment and I assert my privilege under the fifth amendment, and I do not have to answer these questions.

Mr. TAVENNER. Will you answer the question that I asked you, of whether or not in taking part in a program advertised by the American Peace Crusade, you were performing a Communist Party assignment or an obligation which you considered you owed as a member of the Communist Party?

Mr. KRABER. I decline to answer that question under the grounds of the first amendment, and I also assert my privilege under the fifth amendment to the Constitution.

Mr. SCHERER. Who were the other two mentioned in that news item, Mr. Tavenner?

Mr. TAVENNER. Paul Robeson was one, and John Randolph was the other.

Mr. SCHERER. Do you know Paul Robeson?

Mr. KRABER. I have been in the profession for more than 25 years, and I have hired hundreds and hundreds of actors and singers, and I have auditioned thousands of actors and singers, and I must have been in some 35 plays on Broadway, and so I know most of the people in the profession. I have met Mr. Robeson and I have met Mr. Randolph also. I have appeared at concerts with Mr. Robeson.

Mr. SCHERER. Did you know Mr. Robeson then to be a member of the Communist Party?

Mr. KRABER. I decline to answer that question, sir, under the grounds of the first amendment, and I assert my privilege under the fifth amendment.

Mr. SCHERER. Did you say you participated with him in programs?

Mr. KRABER. I played a benefit for the Red Cross during the war with him, and I don't know the date.

Mr. SCHERER. Did you participate with him in the program referred to in the article in the Daily Worker?

Mr. KRABER. I have already answered that question, when Mr. Tavenner asked it.

Chairman WALTER. What is your answer?

Mr. KRABER. I decline to answer the question.

Chairman WALTER. I direct you to answer that question.

Mr. SCHERER. I think he has waived his privilege.

Mr. BOUDIN. Could we have the question repeated, please?

Mr. SCHERER. Read the question.

(Whereupon the pending question was read by the reporter, as above recorded.)

Mr. BOUDIN. May I see the article referred to, please? This is in lieu of asking you to repeat the preliminary questions.

(A document was handed to Mr. Boudin.)

Chairman WALTER. I directed you to answer that question.

Mr. KRABER. I decline to answer, sir, on the grounds of the first amendment, and I assert my privilege under the fifth amendment to the Constitution.

Chairman WALTER. I feel it is my duty under the recent decision of the Supreme Court to warn you that having testified as to your activities in the entertainment field in one instance with Mr. Robeson, your failure to answer this question has probably placed you in contempt of the Congress of the United States.

Mr. WILLIS. May I ask a question?

You said that you entertained with Mr. Robeson before the Red Cross. Did you mean during World War II?

Mr. KRABER. Yes, sir.

Mr. WILLIS. Where was that?

Mr. KRABER. I can't remember, sir. I was very busy, as I have said before, and I was program manager of the shortwave department of Columbia Broadcasting System at that time, and this was not an 8-hour job. We were broadcasting around the clock, all over the world, carrying out the policies and directives of the United States Government in pursuit of the war. My job frequently kept me in the office for 2 or 3 days at a time, but I gave as much time as I could to helping to raise money for bond drives, for the Red Cross, for Bundles for Britain, and for all of the affairs that an entertainer is called upon to help with.

Mr. WILLIS. Did you or Mr. Robeson or both of you lend encouragement to our boys in the Korean conflict?

Mr. KRABER. Will you explain what you mean by that question, sir?

Mr. WILLIS. You know what I mean. There was an engagement in Korea, and did you or Robeson go to Korea to encourage our fighting boys there in that conflict—yes or no.

Mr. KRABER. I did not go to Korea; no, sir.

Mr. WILLIS. Did you entertain?

Mr. KRABER. I have frequently entertained at veterans' hospitals and have had many letters of appreciation and approbation.

Chairman WALTER. I am sure you have, but that isn't in response to this question. Did you entertain for the men serving in Korea?

Mr. KRABER. For the Korean war, I did not, sir, that I recall. I may have but I do not recall.

Mr. SCHERER. What was the name of the third man mentioned in the article from the Daily Worker?

Mr. TAVENNER. John Randolph.

Mr. SCHERER. Did you know John Randolph?

Mr. KRABER. I testified that I know him in the profession, and I don't believe I have ever been in a play with Mr. Randolph.

Mr. SCHERER. Did you appear with Mr. Randolph at the meeting described in the article in the Daily Worker?

Mr. KRABER. I decline to answer that question, sir, under the grounds of the first amendment, and I assert my privilege.

Mr. SCHERER. You knew Mr. Randolph to be a member of the Communist Party, did you not?

Mr. KRABER. I decline to answer that question, sir, under the grounds of the first amendment, and I assert my privilege under the fifth amendment.

Mr. TAVENNER. You have spoken of these various places at which you entertained. Did you also entertain at White Lake Lodge, at White Lake, N. Y., in 1954?

Mr. KRABER. I was engaged as director of the theater at White Lake Lodge during 1954.

Mr. TAVENNER. Did you secure the services there of Lionel Stander?

Mr. KRABER. I did not. We were codirectors.

Mr. TAVENNER. By whom were you hired as a codirector?

Mr. KRABER. By the manager of White Lake Lodge. His name is William Leffner, and I believe he is an executive of the Fur and Leather Workers Union, who owns this place.

Mr. TAVENNER. That is what I wanted to ask you, whether or not the camp was owned by the Fur and Leather Workers Union.

Mr. KRABER. I do not know of my own knowledge who owns the camp, but I understood it to be owned by the Fur and Leather Workers Union.

Mr. TAVENNER. And it was under the direction and operation of the Fur and Leather Workers Union, regardless of ownership?

Mr. KRABER. It was under the direction of the manager whom I just mentioned.

Mr. TAVENNER. How long were you a director of that camp?

Mr. KRABER. During the summer season.

Mr. TAVENNER. Of what year?

Mr. KRABER. Last year.

Mr. TAVENNER. Just 1954?

Mr. KRABER. Yes, sir.

Mr. TAVENNER. Was that a camp for adults and children?

Mr. KRABER. Yes, sir.

Mr. TAVENNER. Or was it just a camp for children?

Mr. KRABER. No, sir; they had a children's adjunct.

Mr. SCHERER. You knew Lionel Stander to be a member of the Communist Party, did you not?

Mr. KRABER. I decline to answer that question, sir, on the grounds of the first amendment and I assert my privilege under the fifth amendment also.

Mr. TAVENNER. Did I understand you to say that you were a director for CBS?

Mr. KRABER. Yes; I was executive producer at one time of all of CBS television, and I handled the budget of $100,000 a week.

Mr. TAVENNER. That was over what period of time?

Mr. KRABER. I was with CBS all together about 10 years until in the Journal American one day an article came out about me after a tape of a program in which I was a guest star had been remade on WNYC, at the time when the McCarthy committee was investigating WNYC, which is the New York City station. This character on the Journal American wrote a front-page piece about a CBS executive being guest artist on WNYC, the city-owned station.

Mr. TAVENNER. And were you the guest?

Mr. KRABER. Excuse me sir, but I believe you gave orders to the cameramen to desist.

Chairman WALTER. I don't see anyone taking any pictures.

Proceed, Mr. Tavenner.

Mr. TAVENNER. Tell us when your directorship terminated? Did you say 1951?

Mr. KRABER. In 1951 I was director of special events for the Columbia Broadcasting System radio network, and by this time the television and radio networks had separated into separate companies.

Mr. TAVENNER. How much money did you say that you handled for the company per week?

Mr. KRABER. That was during the period I was executive producer, and I naturally was the watchdog of the budget.

Mr. TAVENNER. That is what I am trying to get at. Over what period of time were you director?

Mr. KRABER. This would be 1949–50, I suppose.

Mr. SCHERER. During that time you were a member of the Communist Party, and an active member, were you not?

Mr. KRABER. I decline to answer that question under the grounds of the first amendment, and I assert my privilege under the fifth amendment.

Mr. TAVENNER. As executive producer was one of your duties that of employment of talent?

Mr. KRABER. Yes, sir.

Mr. SCHERER. You wouldn't blacklist at that time any talent who were members of the Communist Party, would you?

Mr. KRABER. I loathe the blacklist, and I think one of the reasons for the blacklist is, if I may say so, this committee. When I was called into the president's office, after the old smears had appeared in the Journal American, he opened the interview with me by saying

"You have one of the finest records of any young executive in the company," and then he proceeded to demand my resignation because he said they had reason to believe that I was about to receive a subpena from the un-American committee. This was in 1951, and since 1951, and it is now 1955, I have been denied my income which I should be earning, and furthermore the public of the United States has been denied the use of my trained talents.

Chairman WALTER. Now here is a great opportunity for you to clarify the atmosphere for all time to come.

Are you now a member of the Communist Party?

Mr. KRABER. If you will read a small book by Dean Griswold——

Chairman WALTER. Will you answer that question? Are you?

Mr. KRABER. I decline to answer that under the grounds of the first amendment, and I assert my privilege under the fifth amendment, and I feel that I am upholding the Constitution of the United States by declining to answer that question.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Chairman WALTER. The witness is excused, and the committee will be in recess for 10 minutes.

(A short recess was thereupon taken by the committee.)

Chairman WALTER. The committee will come to order.

Will you call your next witness, Mr. Tavenner?

Mr. TAVENNER. Mr. Peter Seeger, will you come forward, please, sir?

Chairman WALTER. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SEEGER. I do, sir.

TESTIMONY OF PETER SEEGER, ACCOMPANIED BY HIS COUNSEL, PAUL L. ROSS

Mr. TAVENNER. You are Mr. Peter Seeger?

Mr. SEEGER. That is my name.

Mr. TAVENNER. Will you spell your last name, please?

Mr. SEEGER. S-e-e-g-e-r.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. Ross. Paul L. Ross, New York City.

Mr. TAVENNER. When and where were you born, Mr. Seeger?

Mr. SEEGER. I was born in New York in 1919.

Mr. TAVENNER. What is your profession or occupation?

Mr. SEEGER. Well, I have worked at many things, and my main profession is a student of American folklore, and I make my living as a banjo picker, sort of damning in some people's opinion.

Mr. TAVENNER. Has New York been your headquarters for a considerable period of time?

Mr. SEEGER. No, I lived here only rarely until I left school and after a year or two or a few years living here after World War II, I got back to the country where I always felt more at home.

Mr. TAVENNER. You say that you were in the Armed Forces of the United States?

Mr. SEEGER. About three and a half years.

Mr. TAVENNER. Will you tell us please the period of your service?

Mr. SEEGER. I went in in July 1942, and I was mustered out in December of 1945.

Mr. TAVENNER. Did you attain the rank of an officer?

Mr. SEEGER. No. After about a year I made Pfc, and just before I got out I got to be T–5, which is the equivalent of a corporal's rating, a long hard pull.

Mr. TAVENER. Did you become a member of the Reserves?

Mr. SEEGER. No, I did not.

Mr. TAVENNER. Mr. Chairman, may I confer with you about another matter for a moment?

Chairman WALTER. All right.

(Whereupon a short recess was taken.)

Chairman WALTER. The Chair wishes to announce that the witnesses, Sam Jaffe and Jerome Chodorov are excused until further notice on the application of their attorney, Sidney Cohen, who has represented to the committee that he has an important engagement with the mayor of the city of New York.

We will proceed.

Mr. TAVENNER. Mr. Seeger, prior to your entry into the service in 1942, were you engaged in the practice of your profession in the area of New York?

Mr. SEEGER. It is hard to call it a profession. I kind of drifted into it and I never intended to be a musician, and I am glad I am one now, and it is a very honorable profession, but when I started out actually I wanted to be a newspaperman, and when I left school——

Chairman WALTER. Will you answer the question, please?

Mr. SEEGER. I have to explain that it really wasn't my profession. I picked up a little change in it.

Chairman WALTER. Is it your profession?

Mr. SEEGER. It is my profession.

Chairman WALTER. Did you practice your profession?

Mr. SEEGER. I sang for people, yes, before World War II, and I also did as early as 1925.

Mr. TAVENNER. And upon your return from the service in December of 1945, you continued in your profession?

Mr. SEEGER. I continued singing, and I expect I always will.

Mr. TAVENNER. The committee has information obtained in part from the Daily Worker indicating that over a period of time, especially since December of 1945, you took part in numerous entertainment features.

I have before me a photostatic copy of the June 20, 1947 issue of the Daily Worker. In a column entitled "What's On," appears this advertisement:

> Tonight—Bronx, hear Peter Seeger and his guitar, at Allerton Section housewarming.

May I ask you whether or not the Allerton Section was a section of the Communist Party?

Mr. SEEGER. Sir, I refuse to answer that question whether it was a quote from the New York Times or the Vegetarian Journal.

Mr. TAVENNER. I don't believe there is any more authoritative document in regard to the Communist Party than its official organ, the Daily Worker.

Mr. SCHERER. He hasn't answered the question, and he merely said he wouldn't answer whether the article appeared in the New York Times or some other magazine.

I ask you to direct the witness to answer the question.

Chairman WALTER. I direct you to answer.

Mr. SEEGER. Sir, the whole line of questioning——

Chairman WALTER. You have only been asked one question, so far.

Mr. SEEGER. I am not going to answer any questions as to my associations, my philosophical or religious beliefs or my political beliefs, or how I voted in any election or any of these private affairs. I think these are very improper questions for any American to be asked, especially under such compulsion as this.

I would be very glad to tell you my life if you want to hear of it.

Mr. TAVENNER. Has the witness declined to answer this specific question?

Chairman WALTER. He said that he is not going to answer any questions, any names or things.

Mr. SCHERER. He was directed to answer the question.

Chairman WALTER. Yes.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Seeger Exhibit No. 1," for identification only.

Chairman WALTER. Mark it and let it be received.

Mr. TAVENNER. I have before me a photostatic copy of the April 30, 1948, issue of the Daily Worker which carries under the same title of "What's On," an advertisement of a "May Day Rally: For Peace, Security and Democracy." The advertisement states:

> Are you in a fighting mood? Then attend the May Day rally.

Expert speakers are stated to be slated for the program, and then follows a statement, "Entertainment by Pete Seeger." At the bottom appears this: "Auspices Essex County Communist Party," and at the top, "Tonight, Newark, N. J."

Did you lend your talent to the Essex County Communist Party on the occasion indicated by this article from the Daily Worker?

Mr. SEEGER. Mr. Walter, I believe I have already answered this question, and the same answer.

Chairman WALTER. The same answer. In other words, you mean that you decline to answer because of the reasons stated before?

Mr. SEEGER. I gave my answer, sir.

Chairman WALTER. What is your answer?

Mr. SEEGER. You see, sir, I feel——

Chairman WALTER. What is your answer?

Mr. SEEGER. I will tell you what my answer is.

(Witness consulted with counsel.)

Mr. SEEGER. I feel that in my whole life I have never done anything of any conspiratorial nature and I resent very much and very deeply the implication of being called before this committee that in some way because my opinions may be different from yours, or yours, Mr. Willis; or yours, Mr. Scherer; that I am any less of an American than anybody else. I love my country very deeply, sir.

Chairman WALTER. Why don't you make a little contribution toward preserving its institutions?

Mr. SEEGER. I feel that my whole life is a contribution, that is why I would like to tell you about it.

Chairman WALTER. I don't want to hear about it.

Mr. SCHERER. I think that there must be a direction to answer.

Chairman WALTER. I direct you to answer that question.

Mr. SEEGER. I have already given you my answer, sir.

Mr. SCHERER. Let me understand. You are not relying on the fifth amendment, are you?

Mr. SEEGER. No, sir, although I do not want to in any way discredit or depreciate or depredate the witnesses that have used the fifth amendment, and I simply feel it is improper for this committee to ask such questions.

Mr. SCHERER. And then in answering the rest of the questions, or in refusing to answer the rest of the questions, I understand that you are not relying on the fifth amendment as a basis for your refusal to answer?

Mr. SEEGER. No, I am not, sir.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Seeger Exhibit No. 2," for identification only.

Chairman WALTER. Mark it and let it be received.

Mr. TAVENNER. I have before me a photostatic copy of the May 4, 1949, issue of the Daily Worker, which has an article entitled "May Day Smash Review Put on by Communist Cultural Division, On Stage," and the article was written by Bob Reed. This article emphasizes a production called Now Is the Time, and it says this:

> Now is the Time was a hard hitting May Day show of songs and knife-edged satire. New songs and film strips walloped the enemies of the people in what the singers called "Aesopian language."

Then there is bracketed off in the article this paragraph:

> Now Is the Time was a hard hitting May Day show of songs and knife-edged music section of the cultural division of the Communist Party. Script by Lee Hays.

And other persons, including Peter Seeger. Lee Hays is recited to be the MC, or master of ceremonies.

Did you take part in this May Day program under the auspices of the music section of the cultural division of the Communist Party?

Mr. SEEGER. Mr. Chairman, the answer is the same as before.

Mr. SCHERER. I think we have to have a direction.

Chairman WALTER. I direct you to answer the question.

Mr. SEEGER. I have given you my answer, sir.

Mr. TAVENNER. The article contains another paragraph as follows:

> This performance of Now Is the Time was given in honor of the 12 indicted Communist Party leaders.

And then it continues with Bob Reed's account of the show:

> This reviewer has never seen a show which stirred its audience more. Add up new material, fine personal and group performances, overwhelming audience response—the result was a significant advance in the people's cultural movement. Now is the Time is that rare phenomenon, a political show in which performers and audience had a lot of fun. It should be repeated for large audiences.

Mr. Lee Hays was asked the question while he was on the witness stand as to whether or not he wrote that play and he refused to answer. Do you know whether he was the originator of the script?

Mr. SEEGER. Do I know whether he was the originator of the script? Again my answer is the same. However, if you want to question me about any songs, I would be glad to tell you, sir.

Chairman WALTER. That is what you are being asked about now.

Mr. TAVENNER. All right, I will ask you, but I would like to introduce that document in evidence and ask it to be marked "Seeger Exhibit No. 3," for identification only and to be made a part of the committee files.

Chairman WALTER. Mark it and let it be received.

Mr. TAVENNER. You said that you would tell us about the songs. Did you participate in a program at Wingdale Lodge in the State of New York, which is a summer camp for adults and children, on the weekend of July Fourth of this year?

(Witness consulted with counsel.)

Mr. SEEGER. Again, I say I will be glad to tell what songs I have ever sung, because singing is my business.

Mr. TAVENNER. I am going to ask you.

Mr. SEEGER. But I decline to say who has ever listened to them, who has written them, or other people who have sung them.

Mr. TAVENNER. Did you sing this song, to which we have referred, "Now Is the Time," at Wingdale Lodge on the weekend of July Fourth?

Mr. SEEGER. I don't know any song by that name, and I know a song with a similar name. It is called Wasn't That a Time. Is that the song?

Chairman WALTER. Did you sing that song?

Mr. SEEGER. I can sing it, and I don't know how well I can do it without my banjo.

Chairman WALTER. I said, did you sing it on that occasion?

Mr. SEEGER. I have sung that song, and I am not going to go into where I have sung it. I have sung it many places.

Chairman WALTER. Did you sing it on this particular occasion? That is what you are being asked.

Mr. SEEGER. Again my answer is the same.

Chairman WALTER. You said that you would tell us about it.

Mr. SEEGER. I will tell you about the songs, but I am not going to tell you or try to explain——

Chairman WALTER. I direct you to answer the question. Did you sing this particular song on the Fourth of July at Wingdale Lodge in New York?

Mr. SEEGER. I have already given you my answer to that question, and all questions such as that. I feel that is improper to ask about my associations and opinions. I have said that I would be voluntarily glad to tell you any song, or what I have done in my life.

Chairman WALTER. I think it is my duty to inform you that we don't accept this answer and the others, and I give you an opportunity now to answer these questions, particularly the last one.

Mr. SEEGER. Sir, my answer is always the same.

Chairman WALTER. All right, go ahead, Mr. Tavenner.

Mr. TAVENNER. Were you chosen by Mr. Elliott Sullivan to take part in the program on the weekend of July Fourth at Wingdale Lodge?

Mr. SEEGER. The answer is the same, sir.

Mr. WILLIS. Was that the occasion of the satire on the Constitution and the Bill of Rights?

Mr. TAVENNER. The same occasion, yes, sir.

I have before me a photostatic copy of a page from the June 1, 1949 issue of the Daily Worker, and in a column entitled "Town Talk," there is found this statement:

> The first performance of a new song If I Had a Hammer, on the theme of the Foley Square trial of the Communist leaders, will be given at the testimonial dinner for the 12 on Friday night at St. Nicholas Arena * * *. Among those on hand for the singing will be * * * Pete Seeger, and Lee Hays—

and others whose names are mentioned.

Did you take part in that performance?

Mr. SEEGER. I shall be glad to answer about the song, sir, and I am not interested in carrying on the line of questioning about where I have sung any songs.

Mr. TAVENNER. I ask a direction.

Chairman WALTER. You may not be interested, but we are, however. I direct you to answer. You can answer that question.

Mr. SEEGER. I feel these questions are improper, sir, and I feel they are immoral to ask any American this kind of question.

Mr. TAVENNER. Have you finished your answer?

Mr. SEEGER. Yes, sir.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Seeger Exhibit No. 4," for identification only and to be made a part of the committee files.

Mr. SEEGER. I am sorry you are not interested in the song. It is a good song.

Mr. TAVENNER. Were you present in the hearing room while the former witnesses testified?

Mr. SEEGER. I have been here all morning; yes, sir.

Mr. TAVENNER. I assume then that you heard me read the testimony of Mr. Kazan about the purpose of the Communist Party in having its actors entertain for the benefit of Communist fronts and the Communist Party. Did you hear that testimony?

Mr. SEEGER. Yes; I have heard all of the testimony today.

Mr. TAVENNER. Did you hear Mr. George Hall's testimony yesterday in which he stated that as an actor, the special contribution that he was expected to make to the Communist Party was to use his talents by entertaining at Communist Party functions? Did you hear that testimony?

Mr. SEEGER. I didn't hear it; no.

Mr. TAVENNER. It is a fact that he so testified. I want to know whether or not you were engaged in a similar type of service to the Communist Party in entertaining at these features.

(Witness consulted with counsel.)

Mr. SEEGER. I have sung for Americans of every political persuasion, and I am proud that I never refuse to sing to an audience, no matter what religion or color of their skin, or situation of life. I have sung in hobo jungles, and I have sung for the Rockefellers, and I am proud that I have never refused to sing for anybody. That is the only answer I can give along that line.

Chairman WALTER. Mr. Tavenner, are you getting around to that letter? There was a letter introduced yesterday that I think was of greater importance than any bit of evidence adduced at these hearings, concerning the attempt made to influence people in this professional performers guild and union to assist a purely Communist

cause which had no relation whatsoever to the arts and the theater. Is that what you are leading up to?

Mr. TAVENNER. Yes; it is. That was the letter of Peter Lawrence, which I questioned him about yesterday. That related to the trial of the Smith Act defendants here at Foley Square. I am trying to inquire now whether this witness was party to the same type of propaganda effort by the Communist Party.

Mr. SCHERER. There has been no answer to your last question.

Mr. TAVENNER. That is right; may I have a direction?

Mr. SEEGER. Would you repeat the question? I don't even know what the last question was, and I thought I have answered all of them up to now.

Mr. TAVENNER. What you stated was not in response to the question.

Chairman WALTER. Proceed with the questioning, Mr. Tavenner.

Mr. TAVENNER. I believe, Mr. Chairman with your permission, I will have the question read to him. I think it should be put in exactly the same form.

(Whereupon the reporter read the pending question as above recorded.)

Mr. SEEGER. "These features"; what do you mean? Except for the answer I have already given you, I have no answer. The answer I gave you, you have, don't you? That is that I am proud that I have sung for every American, Americans of every political persuasion, and I have never refused to sing for anybody because I disagreed with their political opinion, and I am proud of the fact that my songs seem to cut across and find perhaps a unifying thing, basic humanity, and that is why I would love to be able to tell you about these songs, because I feel that you would agree with me more, sir. I know many beautiful songs from your home county, Carbon, and Monroe, and I hitchhiked through there and stayed in the homes of miners.

Mr. TAVENNER. You are getting away from the question. My question was whether or not you sang at these functions of the Communist Party. You have answered it inferentially, and if I understand your answer, you are saying you did.

Mr. SEEGER. Except for that answer, I decline to answer further.

Mr. TAVENNER. Did you sing at functions of the Communist Party, at Communist Party requests?

Mr. SEEGER. I believe, sir, that a good 20 minutes ago, I gave my answer to this whole line of questioning.

Mr. TAVENNER. Yes; but you have now beclouded your answer by your statement, and I want to make certain what you mean. Did you sing at the Communist Party functions which I have asked you about, as a Communist Party duty?

Mr. SEEGER. I have already indicated that I am not interested, and I feel it is improper to say who has sung my songs or who I have sung them to, especially under such compulsion as this.

Mr. TAVENNER. Have you been a member of the Communist Party since 1947?

(Witness consulted with counsel.)

Mr. SEEGER. The same answer, sir.

Chairman WALTER. I direct you to answer that question.

Mr. SEEGER. I must give the same answer as before.

Mr. TAVENNER. I have a throwaway sheet entitled "Culture Fights Back, 1953," showing entertainment at the Capitol Hotel, Carnival Room, 51st Street at 8th Avenue, in 1953, sponsored by the Committee To Defend V. J. Jerome. It indicates that Pete Seeger was one of those furnishing the entertainment. Will you tell the committee, please, whether or not you were asked to perform on that occasion, and whether or not you did, either as a Communist Party directive, or as what you considered to be a duty to the Communist Party?

Mr. SEEGER. I believe I have answered this already.

Mr. TAVENNER. Are you acquainted with V. J. Jerome?

Mr. SEEGER. I have already told you sir, that I believe my associations, whatever they are, are my own private affairs.

Mr. TAVENNER. You did know, at that time, in 1953, that V. J. Jerome was a cultural head of the Communist Party and one of the Smith Act defendants in New York City?

Mr. SEEGER. Again the same answer, sir.

Mr. SCHERER. You refuse to answer that question?

Mr. SEEGER. Yes, sir.

Chairman WALTER. That is understood.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Seeger Exhibit No. 5" for identification only.

Chairman WALTER. It will be so marked and received.

Mr. TAVENNER. I hand you a photograph which was taken of the May Day parade in New York City in 1952, which shows the front rank of a group of individuals, and one is in a uniform with military cap and insignia, and carrying a placard entitled "Censored."

Will you examine it please and state whether or not that is a photograph of you?

(A document was handed to the witness.)

Mr. SEEGER. It is like Jesus Christ when asked by Pontius Pilate, "Are you king of the Jews?"

Chairman WALTER. Stop that.

Mr. SEEGER. Let someone else identify that picture.

Mr. SCHERER. I ask that he be directed to answer the question.

Chairman WALTER. I direct you to answer the question.

Mr. SEEGER. The question—"Do I identify this photograph"?

Chairman WALTER. Yes.

Mr. SEEGER. I say let someone else identify it.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Seeger Exhibit No. 6." [1]

Chairman WALTER. Make it a part of the record.

(Witness consulted with counsel.)

Mr. TAVENNER. It is noted that the individual mentioned is wearing a military uniform. That was in May of 1952, and the statute of limitations would have run by now as to any offense for the improper wearing of the uniform, and will you tell the committee whether or not you took part in that May Day program wearing a uniform of an American soldier?

Mr. SEEGER. The same answer as before, sir.

Chairman WALTER. I direct you to answer that question.

(Witness consulted with counsel.)

[1] See Lee exhibit No. 1.

Mr. SCHERER. I think the record should show that the witness remains mute, following the direction by the chairman to answer that question.

Mr. SEEGER. The same answer, sir, as before.

Mr. SCHERER. Again I undersand that you are not invoking the fifth amendment?

Mr. SEEGER. That is correct.

Mr. SCHERER. We are not accepting the answers or the reasons you gave.

Mr. SEEGER. That is your prerogative, sir.

Mr. SCHERER. Do you understand it is the feeling of the committee that you are in contempt as a result of the position you take?

Mr. SEEGER. I can't say.

Mr. SCHERER. I am telling you that that is the position of the committee.

Mr. TAVENNER. The Daily Worker of April 21, 1948, at page 7, contains a notice that Pete Seeger was a participant in an affair for Ferdinand Smith. Will you tell the committee what the occasion was at which you took part?

Mr. SEEGER. I hate to waste the committee's time, but I think surely you must realize by now that my answer is the same.

Mr. TAVENNER. Do you know whether Ferdinand Smith was under deportation orders at that time?

Mr. SEEGER. My answer is the same as before, sir.

Mr. TAVENNER. I think that he was not under deportation orders until a little later than that.

Chairman WALTER. What is his name?

Mr. TAVENNER. Ferdinand Smith, a Communist Party member and former vice president of the maritime union.

My purpose in asking you these questions, Mr. Seeger, is to determine whether or not, in accordance with the plan of the Communist Party as outlined by Mr. Kazan and Mr. George Hall, you were performing a valuable service to the Communist Party, and if that was the way they attempted to use you.

Mr. SEEGER. Is that a question, sir?

Mr. TAVENNER. That is my explanation to you, with the hope that you will give the committee some light on that subject.

Mr. SEEGER. No, my answer is the same as before.

Mr. TAVENNER. Did you also perform and entertain at various functions held by front organizations such as the American Youth for Democracy? I have here photostatic copies of the Daily Worker indicating such programs were conducted in Detroit in 1952, at Greenwich Village, on May 10, 1947, and again at another place in March of 1948.

Did you entertain at functions under the auspices of the American Youth for Democracy?

(Witness consulted with counsel.)

Mr. SEEGER. The answer is the same, and I take it that you are not interested in all of the different places that I have sung, and why don't you ask me about the churches and schools and other places?

Mr. TAVENNER. That is very laudable, indeed, and I wish only that your activities had been confined to those areas.

If you were acting for the Communist Party at these functions, we want to know it. We want to determine just what the Communist Party plan was.

Mr. SCHERER. Witness, you have indicated that you are perfectly willing to tell us about all of these innumerable functions at which you entertained, but why do you refuse to tell us about the functions that Mr. Tavenner inquires about?

Mr. SEEGER. No, sir, I said that I should be glad to tell you about all of the songs that I have sung, because I feel that the songs are the clearest explanation of what I do believe in, as a musician, and as an American.

Mr. SCHERER. Didn't you just say that you sang before various religious groups, school groups?

Mr. SEEGER. I have said it and I will say it again, and I have sung for perhaps——

(Witness consulted with counsel.)

Mr. SCHERER. You are willing to tell us about those groups?

Mr. SEEGER. I am saying voluntarily that I have sung for almost every religious group in the country, from Jewish and Catholic, and Presbyterian and Holy Rollers and Revival Churches, and I do this voluntarily. I have sung for many, many different groups, and it is hard for perhaps one person to believe, I was looking back over the 20 years or so that I have sung around these 48 States, that I have sung in so many different places.

Mr. SCHERER. Did you sing before the groups that Mr. Tavenner asked you about?

Mr. SEEGER. I am saying that my answer is the same as before. I have told you that I sung for everybody.

Chairman WALTER. Wait a minute. You sung for everybody. Then are we to believe, or to take it that you sang at the places Mr. Tavenner mentioned?

Mr. SEEGER. My answer is the same as before.

Chairman WALTER. What is that?

Mr. SEEGER. It seems to me like the third time I have said it, if not the fourth.

Chairman WALTER. Maybe it is the fifth, but say it again, and I want to know what your answer is.

(Witness consulted with counsel.)

Mr. SEEGER. I decline to discuss, under compulsion, where I have sung, and who has sung my songs, that I have helped to write as well as to sing them, and who else has sung with me, and the people I have known. I love my country very dearly and I greatly resent this implication that because some of the places that I have sung and some of the people that I have known, and some of my opinions, whether they are religious or philosophical, or I might be a vegetarian, making me any less of an American. I will tell you about my songs, but I am not interested in telling you who wrote them and I will tell you about my songs, and I am not interested in who listened to them.

Mr. TAVENNER. According to the Daily Worker there was a conference program of the Civil Rights Congress on April 2, 1949, at which you were one of the performers.

On August 27, 1949, the People's Artists presented a summer musicale at Lakeland Acres picnic grounds, Peekskill, N. Y., for the benefit

of the Harlem chapter of the Civil Rights Congress, at which you were a participant.

At another meeting of the Civil Rights Congress of New York, around May 11, 1946, you were a participant.

Will you tell the committee, please, under what circumstances you performed, because you have said that you sang at all sorts of meetings, and now under what circumstances were your services acquired on those occasions?

Mr. SEEGER. My answer is the same as before, sir. I can only infer from your lack of interest in my songs that you are actually scared to know what these songs are like, because there is nothing wrong with my songs, sir. Do you know——

Mr. SCHERER. You said you want to talk about your songs, and I will give you an opportunity. Tell us what songs you sang at Communist Party meetings?

Mr. SEEGER. I will tell you about the songs that I have sung anyplace.

Mr. SCHERER. I want to know the ones that you sang at Communist Party meetings, because those are the songs about which we can inquire. Just tell us one song that you sang at a Communist Party meeting.

Mr. SEEGER. Mr. Scherer, it seems to me that you heard my testimony, and that is a ridiculous question, because you know what my answer is.

Mr. TAVENNER. Mr. George Hall testified that the entertainment that he engaged in at the instance of the Communist Party, and for the Communist Party were not songs of a political character. He did say, however, that he was expected by the Communist Party to perform in order to raise money for the Communist Party.

Now, did you, as Mr. Hall did, perform in order to raise money for Communist Party causes?

(Witness consulted with counsel.)

Mr. SEEGER. I don't care what Mr. Hall says, and my answer is the same as before, sir.

Mr. TAVENNER. That you refuse to answer?

Mr. SEEGER. I have given my answer.

Mr. SCHERER. Was Mr. Hall telling the truth when he told the committee about the entertainment he engaged in at the instance of the Communist Party?

Mr. SEEGER. I don't feel like discussing what Mr. Hall said.

Mr. TAVENNER. The American Committee for Yugoslav Relief has been designated as a front organization. According to the October 22, 1947, issue of the Daily People's World, in California, Pete Seeger headed the list of entertainers to appear at a picnic given by the southern California chapter of that organization.

Did you participate in that program?

Mr. SEEGER. If you have 100 more photostats there, it seems silly for me to give you the same answer 100 more times.

Mr. TAVENNER. What is your answer?

Mr. SEEGER. It is the same as before, sir.

Mr. TAVENNER. There are various peace groups in the country which have utilized your services, are there not?

Mr. SEEGER. I have sung for pacifists and I have sung for soldiers.

Mr. TAVENNER. According to the Daily Worker of September 6, 1940, you were scheduled as a singer at a mass meeting of American Peace Mobilization at Turner's Arena, in Washington, D. C.

What were the circumstances under which you were requested to take part in that performance?

Mr. SEEGER. My answer is the same as before, sir.

Mr. TAVENNER. You were a member of the American Peace Mobilization, were you not?

Mr. SEEGER. My answer is the same as before.

Mr. TAVENNER. Were you not a delegate to the Chicago convention of the American Peace Mobilization on September 5, 1940?

Mr. SEEGER. My answer is the same as before.

Chairman WALTER. Is that organization subversive?

Mr. TAVENNER. Yes.

Chairman WALTER. What is the name of it?

Mr. TAVENNER. American Peace Mobilization, and it was the beginning of these peace organizations, back in 1940.

Did you take part in the American Peace Crusade program in Chicago, in April of 1954?

Mr. SEEGER. My answer is the same as before.

Of course, I would be curious to know what you think of a song like this very great Negro spiritual, I'm Gonna Lay Down My Sword and Shield, Down By the Riverside.

Mr. TAVENNER. That is not at all responsive to my question.

Mr. SEEGER. I gave you my answer before I even said that.

Mr. TAVENNER. If you refuse to answer, I think that you should not make a speech.

(Witness consulted with counsel.)

Mr. TAVENNER. Did you also perform a service for the California Labor School in Los Angeles by putting on musical programs there?

Mr. SEEGER. My answer is the same as before, sir.

Mr. TAVENNER. Did you teach in the California Labor School?

Mr. SEEGER. My answer is the same as before, sir.

Mr. SCHERER. I think for the record you should state whether the California Labor School has been cited.

Mr. TAVENNER. It has.

Mr. SCHERER. As subversive and Communist dominated?

Mr. TAVENNER. Yes, it has been.

(Witness consulted with counsel.)

Mr. TAVENNER. Did you also teach at the Jefferson School of Social Science here in the city of New York?

Mr. SEEGER. My answer is the same as before, sir.

Mr. SCHERER. I ask that you direct him to answer.

Chairman WALTER. I direct you to answer. Did you teach at the Jefferson School here at New York?

Mr. SEEGER. I feel very silly having to repeat the same thing over and over again, but my answer is exactly the same as before, sir.

Chairman WALTER. Has the Jefferson School of Social Science been cited?

Mr. TAVENNER. Yes, and it has been required to register under the 1950 Internal Security Act.

Mr. SCHERER. There are a number of people here who taught at that school, Mr. Walter.

Mr. TAVENNER. I desire to offer in evidence a photostatic copy of an article from the September 21, 1946 issue of the Daily Worker which refers to music courses at Jefferson School, and I call attention to the last sentence in the article wherein the name, Peter Seeger is mentioned as a leader in one of the courses.

I ask that it be marked "Seeger Exhibit No. 7."

Chairman WALTER. It is received and so marked.

Why don't you insert it in the record at this point, because there can be no objection to inserting it.

Mr. TAVENNER. I insert it in the record at this point.

SEEGER EXHIBIT No. 7

[Daily Worker, New York, Saturday, September 21, 1946]

MUSIC COURSES AT JEFFERSON SCHOOL

Three new courses in music will be offered by the Jefferson School of Social Science, 575 Avenue of the Americas, for the fall term beginning Sept. 30.

The music of Beethoven, a series of 10 Tuesday evening forums, with records and discussions, of representative works of the great creative epochs of Beethoven's life, will be led by Irwin Freundlich. Mr. Freundlich is on the faculty of the Julliard School of Music.

Horace Grenell, president of Young People's Records, will lead a workshop course in Creating Music.

A People's Songs Workshop, under the supervision of Waldemar Hille, former professor of music at Elmhurst College, will offer practical sessions in writing new songs and in selecting and editing songs for publication. The workshop leaders will include Herbert Haufrecht, *Peter Seeger*, Lee Hayes, and others.

According to the March 18, 1948, issue of the Daily Worker, it is indicated that you would entertain at a musical presented by the Jefferson Workers Book Shop. According to the November 25, 1948 issue of the same paper you would perform also under the auspices of the Jefferson School of Social Science. Also you were a participant in a program advertised in the Daily Worker of June 1, 1950, put on by the Jefferson School of Social Science, and according to an issue of February 15, 1954, of the same paper, you were expected to play and lecture on songs and ballads in the Jefferson School.

Will you tell the committee, please, what were the circumstances under which you engaged in those programs, if you did?

Mr. SEEGER. My answer is the same as before, sir.

Mr. TAVENNER. Did you also engage in performances for the Labor Youth League in 1954?

Mr. SEEGER. My answer is the same as before. Do you think that I sing propaganda songs or something?

Mr. TAVENNER. In 1947, what was your connection with an organization known as People's Songs?

(Witness consulted with counsel.)

Mr. SEEGER. I take the same answer as before regarding any organization or any association I have.

Chairman WALTER. What was People's Songs, Mr. Tavenner?

Mr. TAVENNER. People's Songs was an organization which, according to its issue of February and March 1947, was composed of a number of persons on the board of directors who have been called before this committee or identified by this committee as members of the Communist Party, and the purpose of which, from information made available to the committee, was to extend services to the Communist Party in its entertainment projects.

Mr. Lee Hays was a member of the board of directors, was he not, along with you, in this organization?

(Witness consulted with counsel.)

Mr. SEEGER. My answer is the same as before, sir.

Mr. TAVENNER. Were you not the editor of People's Songs, and a member of the board of directors in 1947?

Mr. SEEGER. My answer is the same as before.

Mr. TAVENNER. You were actually the national director of this organization, were you not?

Mr. SEEGER. My answer is the same as before.

Mr. TAVENNER. Was the organization founded by Alan Lomax?

Mr. SEEGER. My answer is the same as before.

Mr. TAVENNER. Was the booking agent of People's Songs, an organization known as People's Artists?

Mr. SEEGER. My answer is the same.

Mr. TAVENNER. Will you tell the committee please whether or not during the weekend of July 4, 1955, you were a member of the Communist Party?

Mr. SEEGER. My answer is the same as before, sir.

Mr. TAVENNER. Were you a member of the Communist Party at any time during the various entertainment features in which you were alleged to have engaged?

Mr. SEEGER. My answer is the same.

Mr. TAVENNER. Are you a member of the Communist Party now?

Mr. SEEGER. My answer is the same.

Mr. SCHERER. I ask for a direction on that question.

Chairman WALTER. I direct you to answer.

Mr. SEEGER. My answer is the same as before.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Chairman WALTER. The witness is excused.

The committee will stand in recess until 2 o'clock.

(The committee thereupon recessed at 12:40 p. m., to reconvene at 2 p. m., the same day.)

AFTERNOON SESSION—AUGUST 18, 1955

Chairman WALTER. The committee will be in order.

Call your witness, Mr. Tavenner.

Mr. TAVENNER. Mr. Ivan Black, will you come forward please?

Chairman WALTER. Mr. Black, will you raise your right hand?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BLACK. I do.

TESTIMONY OF IVAN BLACK, ACCOMPANIED BY COUNSEL, LEONARD B. BOUDIN

Mr. BLACK. Mr. Chairman, I have no objection to the gentlemen taking pictures. As a public relations man, however, I would like to have them let me know when they are going to take them because I hate to have a picture taken of me looking down-hearted to get into the press, because I am not.

Chairman WALTER. I know how you feel, they have done that to me frequently.

Mr. BLACK. You have more to worry about.

Mr. TAVENNER. Will you state your name, please?

Mr. BLACK. Ivan Black.

Mr. TAVENNER. Have you been known by any other name than Ivan Black, or has there been a different spelling of your last name?

Mr. BLACK. No different spelling of my last name since I was born that I know of.

(Witness consulted with counsel.)

Mr. BLACK. Oh yes, I was born under the name of Israel Black. I discovered that was on my birth certificate many years ago, and I have been known as Ivan Black for the last 30 years.

Mr. TAVENNER. Have you been known by a spelling of B-l-o-c-k in the last name?

Mr. BLACK. No, sir, never.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. BOUDIN. Leonard B. Boudin, 25 Broad Street, New York.

Mr. TAVENNER. When and where were you born, Mr. Black?

Mr. BLACK. I wonder if they would put that shade around, because I can't see you, or I can't see anything. Would you pull that shade around so that the light is not in my eyes?

Mr. TAVENNER. That will be done.

Mr. BLACK. Thank you very much.

Mr. TAVENNER. When and where were you born, Mr. Black?

Mr. BLACK. I was born in Philadelphia, May 14, 1903.

Mr. TAVENNER. Where do you now reside?

Mr. BLACK. I reside in New York City.

Mr. TAVENNER. How long have you resided in New York City?

Mr. BLACK. Off and on sir, since 1928, and full time in New York since 1931, the last 24 years.

Mr. TAVENNER. What is your profession?

Mr. BLACK. I am a public relations counsel and publicity consultant.

Mr. TAVENNER. Will you tell the committee please what your formal educational training has been?

Mr. BLACK. I went to grammar school in Philadelphia and Trenton, N. J., and I went to Trenton High School, class of 1920. I won the Trenton Times scholarship, first prize scholarship, and went to Harvard 4 years and recommended for the bachelor of arts degree cum laude in fine arts, and scholarship in fine arts, that is, the history and development of painting, sculpture, and architecture, and practiced architecture in Florida for 3 years, almost 3 years, and my eyes went bad.

Mr. TAVENNER. About what date was that?

Mr. BLACK. 1925, 1926, and 1927. My eyes went bad, and I don't like to say that when I couldn't see right, I became a newspaperman, but I did. I became a newspaperman, and my eyes got back to normal during that time, but there was a depression on and the most unemployed profession in America I believe were the architects, since there was no construction, and so I stayed in the newspaper and writing end of activities, and got into publicity first in 1928.

Then I went back to the newspaper business.

Mr. TAVENNER. When did you come back to the newspaper business?

Mr. BLACK. In 1929. I was on the Boston Transcript as a feature writer with a byline; and Boston Post as a reporter; Philadelphia

Record, feature writer with a byline, art critic for a time while the regular art critic was out ill some months; and Philadelphia Ledger; Theater Guild magazine; and I have been full time in the publicity and public relations since 1936.

I was director of information which is really publicity director for Federal Theater, Radio Division, and when that was wiped out, when the Federal Theater and arts project was wiped out on July 1, 1939, I went into what is humorously called private industry, and I have been in it ever since, my own firm. Ivan Black Associates is the name, and that is now 16 years. I forgot one thing. I was chosen the number one star-maker in the United States a few years ago by 600 editors throughout the United States and Canada. I though I might throw that in.

Mr. TAVENNER. Did you engage in newspaper work on the west coast?

Mr. BLACK. Only in my publicity work. In other words, I never engaged in newspaper work on the west coast as a newspaperman, if that is what you are asking. Is that what you are asking?

Mr. TAVENNER. Yes.

Mr. BLACK. No.

Mr. TAVENNER. What was the nature of your newspaper work on the west coast then? I didn't quite understand your reply.

Mr. BLACK. I didn't do what I would call newspaper work on the west coast. I was a visitor to the west coast.

Mr. TAVENNER. In connection with newspapers?

Mr. BLACK. No, in connection with the idea of opening a branch publicity office on the coast. That was in 1944 or 1945, and I was out there some 6 or 8 weeks carrying on my business in New York from there, and doing some publicity with the press out there on the same clients, and then after investigating the situation in Hollywood about opening an office there and having a staff out there, it was during the war, and it was difficult to get phones and what not, the late George Evans—may he rest in peace—who did the job on Sinatra, among others, advised me against opening up, because he had been through an experience, a very bad one, that no one could do a job while he was away. I didn't open an office there, and I came back to New York City and that is the only time I have been on the west coast. But I didn't indulge in newspaper work as such, as a newspaperman.

Mr. TAVENNER. If you were not doing newspaper work as such, were you acting in a representative capacity for newspapers at that period?

Mr. BLACK. How do you mean, "representative capacity"?

Mr. TAVENNER. In any way.

Mr. BLACK. For newspapers; no. I never have represented newspapers, sir, except as an employee of the ones I mentioned.

Mr. TAVENNER. Did you at any time engage in teaching?

Mr. BLACK. Teaching?

Mr. TAVENNER. Yes. Have you taught courses in any school?

Mr. BLACK. The only teaching I have done to my recollection was to tutor some of the boys at Harvard in fine arts for their examinations, some of whom became museum directors later, and officials of museums. I tutored boys in fine arts who were not stupid, but who did not do any work, and needed to be briefed for their exams.

I have given a lecture or two at universities on public relations, and at one time, I was offered, many years ago, jobs at Dartmouth, Harvard, and Princeton, I believe as an instructor in fine arts. I didn't care to be an instructor, or to have a career as a teacher, so I turned them down.

Mr. TAVENNER. I hand you a photostatic copy of the announcement of courses for the fall term, 1938, of the Philadelphia Workers School. I notice there are two courses appearing in this curriculum under which appears the name "Ivan Black." Will you examine the document please and state whether or not it refreshes your recollection about having taught at that school?

(A document was handed to the witness.)

(Witness consulted with counsel.)

Mr. BLACK. I don't recall ever teaching at this place, and in 1938 I was in New York City, living and working here.

Mr. TAVENNER. Did you teach in that school?

Mr. BLACK. I don't recall teaching there at that time?

Mr. SCHERER. Did you teach there at any time?

Mr. BLACK. I said I don't recall teaching there at any time, and I don't have any recollection whatsoever of this school or this course.

Mr. SCHERER. Then you don't deny that you taught at the school?

Mr. BLACK. Sir, I don't say I don't deny it. I have no recollection of teaching there, and I am trying to be straight with you, when I was living here New York, and working here in New York at that time.

Mr. SCHERER. In what business were you working at that time in New York?

Mr. BLACK. In 1938 I was the national publicity director, or rather director of information, as they called it. The Government doesn't seem to have publicity directors, but they are directors of information.

Mr. SCHERER. Is that Federal Employment?

Mr. BLACK. Federal Theater Radio Division. It was the National Radio Division of the Federal Theater, which was given time by the various networks to produce shows with the actors on the project as directors and so on, and it was a prize-winning project which restored more people to private industry than any other project in the country, and it was highly praised by Time magazine and papers all over the country, and so on. But that is the job I was doing.

Mr. TAVENNER. Shortly prior to 1938, had you acted as a press agent for Cafe Society?

(Witness consulted with counsel.)

Mr. BLACK. I have attended these sessions the past couple of days, and I have heard you ask witnesses if some of the skits they wrote were done at Cafe Society, and if they ever worked at Cafe Society, and apparently there is some stigma or some snare connected with Cafe Society.

I feel that this is a question on which I will have to, since I don't know what you are getting at, and don't care in the present situation to get tied up in any kind of unnecessary knots, and have privileges as an American citizen, which I value, and would fight for, and I will decline to answer that, and embrace the first amendment, and the fifth amendment, and the privilege of the fifth amendment.

Mr. SCHERER. I ask you to direct the witness to answer.

Chairman WALTER. I direct you to answer that question, Mr. Black.

Mr. BLACK. I am afraid, sir, I will have to answer it as I have, because I think the question is not calculated to do me any good, and it is calculated to do me and my family and the people I hold dear harm, and I don't think you have a right to inquire into an area that can jeopardize me. It is a kind of situation where an official of the law is putting a citizen deliberately into a spot where he could be held for committing a crime.

Mr. SCHERER. Are you refusing to answer the question by invoking the fifth amendment, feeling that to answer the question might tend to incriminate you?

Mr. BLACK. Sir, I answered it as I answered it, and I am invoking the privilege of the first amendment, and the fifth amendment, and the sixth amendment, and I could name a few more that would fit in here.

Mr. SCHERER. I ask you to direct the witness.

Chairman WALTER. I have directed him, and this is the answer to the direction.

Mr. SCHERER. There should be another direction to answer my question as to whether he is invoking the fifth amendment because he feels that to answer this question might tend to incriminate him. He says he is invoking it for entirely different reasons, because it might embarrass him with his family, and if he is invoking the fifth amendment for that reason, then he is not invoking it in good faith.

Mr. BLACK. You are misstating what I said, and I brought the Constitution here with me. I could read that part of the fifth that I am taking.

Chairman WALTER. All right.

Mr. BLACK. Do you want me to read it?

Chairman WALTER. No; I have read the Constitution.

Mr. BLACK. You understand, sir, I am referring to the constitutional privilege of the fifth amendment?

Chairman WALTER. Yes.

Mr. TAVENNER. Cafe Society was located downtown in the city of New York, and it was owned by Leon Josephson; was it not?

Mr. BLACK. Sir, I will have to give you the same answer.

Mr. TAVENNER. Were you press agent for Leon Josephson?

Mr. BLACK. I will again have to give you the same reply.

Mr. TAVENNER. Were you a member of the Patrick Henry Club of the Communist Party in New York City about 1936 or shortly prior thereto?

Mr. BLACK. Sir, on that question I will assert the privilege of the first amendment, freedom of association and beliefs and thoughts. Until it is legal to have thought police in the United States, I don't think that is a proper question. I will assert and assume and embrace the privilege of the fifth amendment, and sixth amendment, and the tenth amendment, and for the benefit of the committee, the fourteenth amendment.

Mr. TAVENNER. According to the bulletin which was the official publication of the League of American Writers, the issue of June 1939, the names of the members of the National Board of the League of American Writers appears. I will read this statement:

The new board includes the officers listed in the masthead on page 6, and the following:

And there in the course of giving certain names, the name Ivan Black is mentioned.

Were you a member of the board of that organization?

Mr. BLACK. What is the name of the organization, sir?

Mr. TAVENNER. The League of American Writers.

Mr. BLACK. Again I will have to assert the privilege of the first amendment, which concerns my associations, and the privilege of the fifth amendment.

Mr. TAVENNER. Mr. Chairman, I desire to offer this document in evidence, and ask that it be marked "Black Exhibit No. 1," for identification only and to be made a part of the committee files.

Chairman WALTER. It is so ordered.

Mr. TAVENNER. The organization, the League of American Writers, was cited as subversive and Communist by Attorney General Tom Clark on June 1, 1948. It was also cited by Attorney General Francis Biddle on September 24, 1942.

In the citation by Attorney General Biddle, it is stated that:

> The League of American Writers, founded under Communist auspices in 1935 * * * in 1939 * * * began openly to follow the Communist Party line as dictated by the foreign policy of the Soviet Union. The overt activities of the League of American Writers in the last 2 years leave little doubt of its Communist control.

It was also cited on April 25, 1941 by the State Department, at which time it quoted a letter from Harold L. Ickes, then Secretary of the Interior, to Robert M. Lovett, dated April 25, 1941, in which it is stated that:

> The League of American Writers is generally regarded as a Communist subsidiary. Its policies, of course, always parallel those of the Communist Party.

May I ask you whether in June of 1939 you were a member of the Communist Party?

Mr. BLACK. Sir, I decline to answer under my rights under the first amendment and my privilege under the fifth amendment, and my rights under the sixth amendment, and the tenth, and again, the fourteenth.

Mr. TAVENNER. I have before me a photostatic copy of the Third American Writers' Congress. Under date of June 1939, on the second page, appears this statement:

> Chairman of the arrangements committee, Ivan Black.

Did you serve as chairman of the arrangements committee of the Third American Writers' Congress?

Mr. BLACK. I decline to answer that question for the reasons given before.

Mr. TAVENNER. I desire to introduce the document in evidence and ask that it be marked "Black Exhibit No. 2," for identification only and to be made a part of the committee files.

Chairman WALTER. It is so ordered.

Mr. TAVENNER. I have before me a photostatic copy of the April 22, 1941, issue of the New Masses, which carries an article entitled "In Defense of Culture," and then under it appears the following in parentheses:

> The following is the call to the Fourth Congress of the League of American Writers, June 6–8, in New York City.

The list of signers of the call appears, and among those appears the name of Ivan Black.

Did you participate in the call for the Fourth Congress of the League of American Writers?

Mr. BLACK. I decline to answer that question for the reasons given before, the same reasons.

Mr. TAVENNER. Were you a member of the National Federation for Constitutional Liberties?

Mr. BLACK. I have to decline to answer that, sir, for the same reasons.

Mr. TAVENNER. The National Federation for Constitutional Liberties interested itself in attempting to get the President of the United States to cause the Attorney General, Mr. Biddle, to rescind a certain decision that he made in the Harry Bridges case wherein he had certain statements to make regarding the Communist Party of the United States.

I have before me a pamphlet which is an open letter sponsored and published by the National Federation for Constitutional Liberties, directed to the President under date of July 11, 1942, in which it characterizes the action of the Attorney General as ill-advised, arbitrary, and unwarranted in its findings relative to the Communist Party, and requests that it be rescinded.

Among the list of those persons signing the letters appears the name of Ivan Black, publicist, New York City.

Did you sign such a letter to the President?

Mr. BLACK. Sir, I must decline to answer that for the reasons given before.

Mr. TAVENNER. Will you tell the committee what the circumstances were regarding the preparation of this open letter directed to the President of the United States?

(Witness consulted with counsel.)

Mr. BLACK. Sir, I am forced to decline to answer that for the reasons previously given.

Mr. TAVENNER. Do you know whether or not the National Federation for Constitutional Liberties has been cited by the Attorney General as a Communist organization?

Mr. BLACK. I decline to answer for the same reasons.

Mr. TAVENNER. Did you participate in activity of that organization in January of 1943, in the drawing up of the message to the House of Representatives, attacking the Special Committee on Un-American Activities, and asking that it be abolished?

Mr. BLACK. I must decline to answer, sir, on the grounds given previously.

Mr. TAVENNER. In asking that question, I do not want to leave an inference that opposition to this committee is beyond the rights of any individual, but what I am interested in is the source of the activity of the National Federation for Constitutional Liberties, in taking this organized effort.

Mr. BLACK. I might say, sir, that this committee over the years, despite the appearance of Bernard Baruch here the other day, this committee has been denounced by some of the best people, including F. D. R., the late Cardinal Mundelein, and a few others, and the late Albert Einstein. Be that as it may, as for my reply to your question, I decline to answer.

Mr. TAVENNER. Were you a member of the Communist Party at the time that you joined in this program with the National Federation for Constitutional Liberties to organize opposition in the House of Representatives to the Special Committee on Un-American Activities?

Mr. BLACK. Sir, any citizen has the right to participate in that kind of activity, and as you have mentioned——

Mr. TAVENNER. I wanted to know whether or not you were in the Communist Party at the time.

Mr. BLACK. My answer is that I refuse to answer for the same reasons.

Mr. TAVENNER. The National Federation for Constitutional Liberties was listed by Attorney General Francis Biddle on September 24, 1942, in the following manner:

> Part of what Lenin called the solar system of organizations, ostensibly having no connection with the Communist Party, by which Communists attempt to create symphathizers and supporters of their program. * * *
>
> [It] was established as a result of a conference on constitutional liberties held in Washington, D. C., June 7–9, 1940.
>
> The defense of Communist leaders such as Sam Darcy, and Robert Wood, party secretaries for Pennsylvania and Oklahoma, have been major efforts of the federation.

It was also cited as subversive and Communist by Attorney General Tom Clark, on December 4, 1947.

Mr. Martin Berkeley, testified before this committee that he was a member of the Patrick Henry Club of the Communist Party, and that you were a member of this same group with him. That was some time just prior to 1936. He was speaking of that period.

(Witness consulted with counsel.)

Mr. TAVENNER. Were you a member of any group of the Communist Party of which Mr. Martin Berkeley was a member?

Mr. BLACK. Sir, I am forced to decline to answer that under the rights of the first amendment and the privileges under the fifth amendment and the sixth, and so on.

Mr. TAVENNER. You say you have won the title of "The maker of stars." Over what period of time was your work involved in the making of stars, and during what years, principally?

(Witness consulted with counsel.)

Mr. BLACK. Well, will you repeat the question, and I will answer.

Mr. TAVENNER. Will you read the question, please?

(Whereupon the reporter read the pending question as above recorded.)

Mr. BLACK. Well now, let us get it straight. The title I won was "No. 1 starmaker," and Billboard magazine poll, chosen by 600 editors throughout the United States and Canada. Now, that was for a year, and that particular year.

Mr. TAVENNER. What year was that?

Mr. BLACK. That was the year 1943 or 1944, or it might have been 1945. But it was in the middle forties, but they had awards year after year, Billboard did then, for the most efficient public-relations office in the entertainment field. and second most efficient, and the one that served the press best with stories, photographs, and really serviced the press intelligently and best. One year I got second award for the best office in the entertainment field, but they created a title which I believe was never given before nor since, for me, during that middle 1940 period, as "No. 1 starmaker."

The independent public-relations division, that was differentiated from the public-relations men at networks who were not in the same category.

Mr. TAVENNER. Did you say the name of your firm was the Ivan Black Associates?

Mr. BLACK. That is right.

Mr. TAVENNER. Is the development of talent the type of business that your firm is engaged in?

Mr. BLACK. For many years, I was in the theatrical, movie, radio, and TV end of publicity and public relations. The last 8 years—and that is a very precarious way of making a living, as you know, since shows open and close the same week. If you depend on a show, you are unemployed. So, some 8 years ago I got married, and I could no longer indulge myself in this precarious way of making a living, and so I spread out to handling products, corporations, and in other words, getting clients by the year, so I knew I was going to eat regularly whether the show opened or closed.

During the years when I was building up people and handling shows, and handling personalities, I won that award.

For the last 7 years I have been out of that end of it, so that——

Mr. TAVENNER. What is the nature of the business at this time of Ivan Black Associates?

Mr. BLACK. Public relations and publicity for corporations, products, and people, when necessary. I used to specialize. I am trying to be a little less professionally technical than I would ordinarily be in explaining this. I used to specialize in developing talented people who were unknown. I felt they had talent, and they were completely unknown and it was kind of a creative thing to make them famous because they deserved to be made famous and they had a lot on the ball.

I must say, they were lucky to have me find them, because the greatest talents go undiscovered and live and die and nobody knows about it.

As I say, sometimes you become very successful and if you had a percentage of their earnings, you did pretty well, providing they were employed regularly, because their life is precarious too, even if they get to be big names.

As I say, I was in that for a number of years, and based on the work I did in general, on a number of people, I got this award. I was serving these editors all over the United States and Canada on these people.

Now, my business, and my concept of public relations was based on never giving an editor a bum steer, and if I didn't think you were a good singer, I wouldn't tell the chap next to you, an editor, that you were a good singer, because he would hear you, and he would hear you were lousy, and the next time he wouldn't believe me.

Mr. TAVENNER. It would be a very shortsighted policy.

Mr. BLACK. "Honesty is the best policy," was said by a very fine newspaperman, Benjamin Franklin.

Mr. SCHERER. It is true when testifying before a congressional committee.

Mr. BLACK. It is true when one has a principle so deeply ingrained that he feels this committee itself, under the 14th amendment, this committee which has taken an oath to uphold the Constitution, is helping to tear the Constitution apart.

Chairman WALTER. Uphold, support, and defend. There were three.

Mr. BLACK. Yes, and I think the 14th amendment is being violated, and it is my opinion, I could be wrong, but I am a citizen and I am entitled to it.

Mr. SCHERER. All Communists have that opinion about the committee.

Mr. BLACK. I may point out that was Hitler's technique, if you were against me, you were a Communist, but I am not saying, Congressman Scherer, that you are a Hitlerite, but I want to show you how ridiculous your statement is, and mine is too.

Mr. TAVENNER. You were attempting to tell us the character of the work performed by Ivan Black Associates, but I didn't understand. You went back to a period that you had already described, but I do not understand what type of work you have been doing in recent years. You said personnel, or publicity, but I don't know what type.

Mr. BLACK. First of all, I don't have to answer this, but I am going to answer it, you see. I don't see what legislation will be derived from my telling you the nature of handling public-relations clients when all you would have to do is pick up Edward L. Bernays' recent book called Public Relations, and you could learn in 2 hours.

Mr. TAVENNER. I want to know the field in which you are engaged?

Mr. BLACK. You want to know who my clients are?

Mr. TAVENNER. I want to know the field in which you conduct public relations.

Mr. BLACK. Industry, in which there are products and in which there are corporate personalities, and not stars of stage and screen, but executives of corporations, of private industry, and so on. They also require public relations of a different kind, and they are not interested in the Broadway columns. They are interested in Time and Fortune and so on.

Mr. TAVENNER. Then the business has been changed from that which it had been accustomed to being?

Mr. BLACK. Sir, I pride myself on being one of the few public relations men who had this wide experience so he could handle practically anything in the public relations and publicity field, whether it is a corporation, or a personality, or a Hollywood show, or a campaign for a politician. If you wanted to run for the Senate, you might hire me, and I might accept you, but you might hire somebody else. But nowadays, everybody needs public relations, and ask Jim Hagerty, if you don't believe so. I was going to say from the top down. It has become a very important profession in the world.

Mr. TAVENNER. During the period you have been operating this business, have you been affiliated with the Communist Party?

Mr. BLACK. Sir, I think that is an area in which I must again decline to answer.

Mr. TAVENNER. Are you a member of the Communist Party at this time?

Mr. BLACK. Again I must decline to answer on the same grounds as previously stated.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Chairman WALTER. When you say "I must decline," by that do you mean "I do decline," because you are not compelled to.

Mr. BLACK. I do decline.

Chairman WALTER. If there are no further questions, the witness is excused.

The committee will be in recess for 5 minutes.

(A brief recess was taken by the committee.)

Chairman WALTER. We will proceed.

Call your next witness, Mr. Tavenner.

Mr. TAVENNER. Mr. Harold Salemson, please.

Chairman WALTER. Will you raise your right hand?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SALEMSON. I do.

TESTIMONY OF HAROLD J. SALEMSON, ACCOMPANIED BY HIS COUNSEL, VICTOR RABINOWITZ

Mr. TAVENNER. What is your name, please, sir?

Mr. SALEMSON. Harold J. Salemson, S-a-l-e-m-s-o-n.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. RABINOWITZ. Victor Rabinowitz, 25 Broad Street, New York City.

Mr. TAVENNER. When and where were you born, Mr. Salemson?

Mr. SALEMSON. Chicago, Ill., September 30, 1910.

Mr. TAVENNER. Where do you now reside?

Mr. SALEMSON. Glen Cove, N. Y.

Mr. TAVENNER. What is your occupation or profession?

Mr. SALEMSON. I am employed in the motion-picture industry as a general administrative and contractual employee.

Mr. TAVENNER. Will you give us more of a description of your employment?

Mr. SALEMSON. I am employed by a company that imports foreign films and I handle general problems, straightening out of contracts, translations of the contracts from Italian into English, French into English, and general administrative and executive work of that kind.

Mr. TAVENNER. What is the name of the firm by which you are employed?

Mr. SALEMSON. Italian Films Export.

Mr. TAVENNER. How long have you been so employed?

Mr. SALEMSON. Two years.

Mr. TAVENNER. Prior to that time what was the nature of your employment or occupation?

Mr. SALEMSON. Immediately prior, or do you want the history of my employment? Immediately prior to that I had my own producer representation office for motion pictures.

Mr. TAVENNER. In the city of New York?

Mr. SALEMSON. Yes, sir.

Mr. TAVENNER. Did it have a name?

Mr. SALEMSON. Harold J. Salemson.

Mr. TAVENNER. How long were you so engaged?

Mr. SALEMSON. Approximately a year and a half.

Mr. TAVENNER. That takes us back to about 1951, does it not?

Mr. SALEMSON. That should take us back to about, I think, Thanksgiving of 1951; yes, sir.

Mr. TAVENNER. Prior to 1951, what was your employment?

Mr. SALEMSON. Immediately prior to having my own office, I was engaged by United Artists Corp. to handle exploitation on a picture called Cyrano de Bergerac, which I handled in its general release in the United States and then in its first release in England and France.

Mr. TAVENNER. How long were you so employed?

Mr. SALEMSON. Approximately, I think, from July to Thanksgiving of 1951.

Mr. TAVENNER. What was your employment prior to that?

Mr. SALEMSON. It would be a lot easier if we started at the beginning.

Mr. TAVENNER. If you prefer it the other way, that is all right.

Mr. SALEMSON. We can work back. Prior to that for approximately something under a year, I believe, about 8 months, from late in 1950 until July of 1951, I was a producer's publicity representative working for Robert Stillman Productions, releasing through United Artists.

Prior to that for a period of some 6 or 8 months I was outside of the motion picture industry, doing a public relations campaign for the leather industry.

Mr. TAVENNER. What do you mean "for the leather industry"?

Mr. SALEMSON. For the leather industry of the United States as a whole, for a trade organization; representing them.

Mr. TAVENNER. What was that trade organization?

Mr. SALEMSON. It was called in those days, the Tanners Council of America.

Prior to that, I worked for a short time for Paramount on the exploitation of a picture called Samson and Delilah.

Mr. TAVENNER. Was that in New York?

Mr. SALEMSON. Out of New York, and I was engaged in New York, but I traveled throughout the United States.

Immediately prior to Samson and Delilah, I had worked—and this goes back now to about Thanksgiving of 1949, for virtually all of 1949—I worked again for United Artists Corp. on a picture produced by Stanley Kramer called Home of the Brave, on which for about 7 or 8 months I traveled throughout the United States in various territories handling the exploitation from its first opening in Chicago, and in the South and elsewhere.

Immediately prior to that, early in 1949, I guess, I worked briefly for a few weeks on a promotion campaign for the United Jewish Appeal. This takes us back to approximately the 1st of January, 1949.

In December 1949 I terminated a job which had begun earlier that year in California, and for which I had come to New York on the 1st of July, 1948, for a company which was unsuccessful, called Creative Films, Inc., which intended to release several French films which I had subtitled for them and which I unsuccessfully tried to sell for them. I ceased my connection with the company on the 31st of December, 1948.

Prior to that I lived in Hollywood, and, if you wish to go back into the previous 17 or 18 years of employment, I think that at this point you might grant me the courtesy of starting from the beginning, because it is very difficult to go backward.

Mr. TAVENNER. How long were you employed in Hollywood?

Mr. SALEMSON. I lived in Hollywood, sir, from I think 1930. My memory is hazy as to whether it was 1930 or 1931. I believe it was 1930, until July 1, 1948, when I permanently moved to New York.

Mr. TAVENNER. What was the general nature of your work during that period of time, 1930 to 1948?

Mr. SALEMSON. That work generally broke down into 3 periods or 4 periods.

From 1930 or 1931 whenever it started, until the fall of France, in 1940, I guess it was, my principal work was as a correspondent for French newspapers covering Hollywood. I was correspondent for about 8 years for L'Attention, the leading evening paper in Paris, and it was bought out I think in January 1, 1938, if my memory is good, by a rival paper called Paliceway. As it was reported to me, since I wasn't in Paris at the time, 3 properties were taken over by the new paper from the old paper, and 1 was a radio station, 1 was a weekly movie magazine for which I wrote, and 1 was a Hollywood correspondent who was myself, and I was transfered to Paliceway, and I worked for them until some time in May or June of 1940, if my memory of history is right, when Hitler marched into Paris, and I received an unsigned cable saying that my services were no longer needed.

During the next period, from then until Pearl Harbor, I free-lanced and I worked for various publications out of Hollywood.

I had a small photonews syndicate, called Photo Report Age, and I was employed for a period of months by a magazine called Friday magazine, as west coast editor, and from the time that Friday folded which was in the middle of 1941, in July or August of 1941, until Pearl Harbor, I essentially free-lanced.

I was correspondent for the Sydney, Australia, Sunday Telegraph which didn't pay very much money.

Four days after Pearl Harbor, being III–A, I enlisted in the Army. I was inducted 3 days later, on the 14th day of December 1941, and I stayed in the Army, if I remember what my discharge paper says, 3 years, 9 months, and 20 days, and I think I was discharged on the 4th of October 1945.

I think that I had quite a creditable Army service, both in the Field Artillery and in Psychological Warfare, and I refer you to the Saturday Evening Post of April 1, 1945, where my role in the psychological warfare in the Mediterranean was fairly extensively covered.

Mr. TAVENNER. Are you a member of the Reserves?

Mr. SALEMSON. No, sir, I was not requested to become a member of the Reserves.

I was discharged as I say, in October of 1945, and I returned to Hollywood and resumed by old professional contacts, and in December of 1945 or January of 1946 I assumed three different jobs. It was not necessarily in order of monetary value, but they were correspondent for the successor to the paper I worked for before the war, and correspondent to a fan magazine, and this was a weekly fan magazine run by the same people who had run the fan magazine that I worked for before the war, and thirdly I think effective the 1st of January 1946, I became director of public relations for the Screen Writers Guild, the union of the screen writers in Hollywood.

I stayed with them not quite a year, and resigning in November or December of 1946 over different sets of policy, and in 1947, early 1947.

mid-1947, I was free-lancing, I think, for most of that year, and I don't think that I had any major individual earnings from anywhere during 1947.

Toward the end of 1946, I met with the people who were going to create or found Creative Films, and they engaged me to subtitle a couple of pictures for them, and early in 1948 we decided to found a company, and we founded the company, and I came to New York, I believe in May of 1948, to see whether the company should be in New York or Hollywood, and decided it should be here, and went back for the month of June, and came back here on the first of July 1948, to stay here permanently.

I think that covers all of my employment.

Mr. TAVENNER. Were you a member of the Newspaper Guild in Los Angeles, during this period of time, and at any time between 1930 and 1948?

Mr. SALEMSON. I would like to make a statement at this point in relation to the answer to this question.

I feel, sir, that no question that you are going to ask me will relate to anything except my personal opinions and my personal activities. Therefore, I feel it is irrelevant to any legislation which may be coming up. I therefore wish to cite the Constitution of the United States, not the amendments. Article 1, section 9, paragraph 3. Of course, all you gentlemen are familiar with this, and I needn't cite it to you. I feel that under that article any questions that are put to me of this character are improper.

However, and in addition, I would like to say that from observing what has gone on here today and what I read in the papers, there seems to be a feeling that this committee has been given open season on all of history. I feel that there has not been any question stated or put to anyone which took into any consideration changes in atmosphere, changes in context, and changes in world outlook in the 1920's, or 1930's, or 1940's. I would therefore like to state to you that I feel that while under article 1 of the Constitution, the paragraph and section which I quoted, I do not feel that you are entitled to ask me these questions. I nevertheless have great respect for this committee and for the House of Representatives, and I will cooperate. But I will not enter into memory contests which go back into a period which had an entirely different connotation than the period of today.

I will therefore tell you that any questions you wish to put to me concerning anything that has happened since July 1, 1948, when I came to New York, including membership in the Communist Party, which I hereby deny, I will be very happy to answer. As for anything which happened before July 1, 1948, I feel that no purpose can be served if I had done anything which was not legal, and I am not talking about anything improper, in your views. But if I had done anything which was not legal I would not be here, and I would be elsewhere, because there would be a chance of prosecuting me.

I think that any question which is put to me about my activities before that period, before that date of July 1, 1948, can serve only one purpose, which to me I must say, and this is my personal opinion, as an independent thinker, is the way this committee has been operating, namely, to entrap a witness by getting him today to deny something which someone with a very convenient memory has sworn hasn't happened in what I call prehistory.

I think a 7-year period is a very reasonable period, and I think to ask me things which happened more than 7 years ago when it is quite clear, gentlemen, that while you may very honestly feel that you are conducting an inquiry I think that even those people who are recanting so-called before your committee all feel that they are recanting, and I think that the history of recanting heretics proves to all of us that their word is not dependable, and that they do testify about all kinds of people and all kinds of things in order to clear themselves.

I therefore in this connection, invoke the first amendment to the Constitution, and in addition, the fifth amendment to the Constitution, and the fifth amendment on two scores:

First of all, because I have a privilege not to testify against myself, and I will object if you say self-incrimination, and the Constitution does not say that.

On the second score, by the publication of my name in the papers last week, and by the statement by the chairman, Mr. Walter, that 99 percent of these people called, you had very good reason to think were Communists, you have taken away from me something, sir, which nothing that I say here and nothing that you ever say, will ever succeed in catching up with, and I feel that I have been deprived of some of my property, namely, my good name, and my reputation, without due process of law.

Therefore, I feel that it is my right as an American citizen to state to you that I will reasonably cooperate with you for a period of the 7 years, which I think is quite adequate, and beyond that I stand on the fifth amendment.

Mr. TAVENNER. I have given you a great deal of time, and the chairman has, and will you now answer my question as to whether you were a member of the Newspaper Guild, sir?

Mr. SALEMSON. Since, July 1, 1948, I have not been a member of the Newspaper Guild. I repeat to you, sir, that I will not answer questions concerned with before that period. I repeat that in all of these connections, I will stand on my privilege under the first amendment, under the fifth amendment, and I also would like to say that if I am directed to answer these questions, I will ask the chairman to direct you or to request you respectfully not to continue to ask me questions about a period which I have clearly stated. You might disagree with me, but I have clearly stated to you that I do not feel it is a proper field of inquiry, and I feel it is ancient history and I do not wish to discuss it, without any relationship, sir, to any reflection on any other witness who has appeared here or any other stand he has taken on any activities of mine during that time.

Chairman WALTER. What date did you state?

Mr. SALEMSON. July 1, 1948, the date at which I moved to New York, and I feel, sir, that the world situation has changed, and I feel that I have changed my field of endeavor, and I feel that my relationships have changed, and I do not feel that I have to go into everything that I ever thought.

I was once 17 years old, and I went to college, and I have had views at that time, and I see no reason why they should be brought up today, and I feel that a 7-year-period for reasonable men should be a reasonable period during which you are satisfied that I have not been a Communist, and I do not think that you should ask me to testify about what went on before that.

Mr. TAVENNER. May I have a direction, Mr. Chairman, that the witness be required to answer the question?

Chairman WALTER. I would like to sit down with the witness alone somewhere, but I suppose that is impossible. Answer the question. You are directed to answer the question.

(Witness consulted with counsel.)

Mr. SALEMSON. Sir, if I understand that I am directed, that it is not reasonable to take only 7 years as a proper period of inquiry, I stand on my rights under the fifth amendment to the Constitution not to answer.

Mr. TAVENNER. Did you hold an official position at any time in the Newspaper Guild at Los Angeles?

Mr. SALEMSON. After July 1, 1948, sir, I have not been in Los Angeles except to visit my mother on one occasion.

Mr. SCHERER. I ask that the witness be directed to answer.

Chairman WALTER. That is not responsive. I direct you to answer the question.

Mr. SALEMSON. Gentlemen, under the fifth amendment, I decline to answer about anything which took place before July 1, 1948.

Mr. TAVENNER. Will you tell the committee, please, whether there was an organized group of the Communist Party in Los Angeles, limited to members of the Newspapers Guild, prior to 1948?

Mr. SALEMSON. Gentlemen, I decline under the fifth amendment to answer that question.

Mr. TAVENNER. The committee has been investigating for some period of time the extent of the operations of the Communist Party within the Newspaper Guild in Los Angeles. Some 7 or 8 witnesses have been heard on the subject. There are persons connected with the operation as to whom the committee has no identification. If you were a member of a group of the Communist Party within the Newspaper Guild, you may be the one to be able to tell us. It may be very important to the Government of the United States to know the full history of persons otherwise engaged at this time that may have been part of that group.

Will you tell the committee, please, whether you were acquainted with any persons within the Newspaper Guild in Los Angeles, who were members of the Communist Party?

Mr. SALEMSON. Gentlemen, I have had nothing to do with the Los Angeles Newspaper Guild since before July 1, 1948, and under the fifth amendment I decline to answer this question.

Chairman WALTER. You say you have had nothing to do with it since that date?

Mr. SALEMSON. That's right.

Mr. SCHERER. Did you have something to do with them before that date?

Mr. SALEMSON. Sir, I have already stated voluntarily, and frankly, my position, that I will answer any and all questions you wish to put to me that are after that date, and I have also said that I will ask the chairman to ask Mr. Tavenner to cease and desist from continuing to ask me questions which he knows I will not answer because I do not have to answer them under the fifth amendment, and I have given you 7 years which I think the chairman's hesitancy about his first direction to me makes me feel he feels is a reasonable period, and I feel it is a reasonable period.

Chairman WALTER. No, I don't.

Go ahead, Mr. Tavenner.

Mr. TAVENNER. Were you acquainted with Sol Shor while you were in California?

Mr. SALEMSON. Sir, the time that I lived in California was before July 1, 1948, and I repeat that under my privilege under the fifth amendment of the Constitution, I will decline to discuss anything that happened before that time.

Mr. SCHERER. When was the last time that you saw Sol Shor?

(Witness consulted with counsel.)

Mr. SALEMSON. I have not seen him, sir, since well before, I should say before, July 1, 1948.

Mr. SCHERER. Then you were acquainted with Sol Shor?

(Witness consulted with counsel.)

Mr. SALEMSON. On advice of counsel, I will continue to stand on the fifth amendment.

Mr. SCHERER. I ask you to direct the witness to answer. He has certainly waived his privilege.

Chairman WALTER. I direct you to answer the question. In our opinion, you have waived the privilege. What is your answer?

Mr. SALEMSON. Gentlemen, inasmuch as the question relates to activities of mine before July 1, 1948, I decline again under my privilege under the fifth amendment to answer the question.

Mr. TAVENNER. Mr. Shor testified before this committee that he was a member of two groups of the Communist Party, one following the other, from California, and that Harold Salemson, a representative of magazines, was a member of both of those groups with him.

Were you a member of the Communist Party while living in California?

Mr. SALEMSON. Sir, if you are directing this question to the period before July 1, 1948, I repeat once more that I will stand on my right under the fifth amendment to decline to answer. I would like again to repeat that I am offering you 7 years of my life which I think is as far back as anybody should be expected to remember anything relevant, and if you want to ask me any questions, ask me.

Mr. TAVENNER. Prior to 1948, had you been connected in any way with the People's Educational Center in Hollywood?

Mr. SALEMSON. Sir, I asked you respectfully before that you request counsel not to continue with questions all of which relate exclusively to the period before July 1, 1948.

Mr. SCHERER. Mr. Chairman, Mr. Tavenner has explained, I think, very well the reason for asking these questions. We feel that you have information for that period prior to 1948, and it may help us materially in our investigations of present conditions.

Mr. WILLIS. And I think that feeling is supported by evidence in our files.

Mr. SALEMSON. Inasmuch as the question relates to before July 1, 1948, I once more invoke my privilege under the fifth amendment not to answer.

Mr. WILLIS. That sounds like a pretty good story you are making, and to the extent that you say that you are not a Communist now, and have not been for quite a while, it is very noble, and we appreciate it. But all of you want us to play the game according to your rules.

Someone might come here and say, "I will answer all questions except those beginning 3 days ago, or half an hour ago."

Mr. SALEMSON. If I were today a member of the Newspaper Guild, I would probably take the period of 6 months, which is the period that they have set for their members as to whether Communist activity is relevant. I am not a member of the Newspaper Guild and therefore this does not affect me. I think that 6 months is a very intelligent and interesting period. I am perfectly willing to take as the reasonable point, the time when I came to New York, and started to engage in the type of business that I am in today, and I think that all of this is relevant and I think the rest as far as I am concerned is ancient history, and I think that you are putting an unfair demand on me if you expect me to try to enter into contests with other people.

Mr. SCHERER. This committee's actions are based upon the law, and not what your opinion is, as to a reasonable time, nor what the chairman's opinion nor my opinion is. We ask these questions in conformity with the law. That is what we are all controlled by.

Mr. SALEMSON. Gentlemen, I understand that, and I appreciate that. Unfortunately, and I regret to say——

Mr. SCHERER. Whether the Newspaper Guild fixes a 6-month period as a reasonable period for some position it takes is immaterial.

Mr. SALEMSON. I regret to say this, I might have come in with quite a different attitude insofar as the committee is concerned, if the chairman had not associated himself on Monday night with elements which I feel require investigation. I feel that if this committee is not to be an impartial committee, but a committee which is headed by a man who takes a public stand of that kind, that I certainly must protect myself from such persecution, and as such, I invoke the only amendment to the Constitution which gives me this protection, namely the fifth, and I continue to stand on it.

Mr. SCHERER. As a minority Member of the Congress, I support the chairman in the position he took the other night.

Mr. SALEMSON. That, sir, is your right. I don't.

Chairman WALTER. Now, I said, and this is what you are objecting to, that 99 percent of the witnesses who testified before this committee were Communists, or I said we had evidence. I repeat it. I challenge you to tell me, or give me the name of one of the witnesses who testified before this committee this week who has never been a Communist.

Mr. SALEMSON. Sir, most of the witnesses who testified here, I may or may not know, most of them I don't know actually, but this is completely irrelevant. I have no——

Chairman WALTER. It is not as irrelevant as your statement that you challenge the position I took, when I said 99 percent of the witnesses were Communists. In that connection, let me tell you this. That before this committee embarks on any investigation, it makes a very careful examination of every witness who is called before it, in order to protect people from having their names mentioned in something that might prove embarrassing or even unpleasant. We are very careful in doing that with every single person who comes before this committee. Before you were called as a witness, the same tests were applied to you as were to other people.

Mr. SALEMSON. Yes, sir.

Chairman WALTER. Because of those tests, you are here. And because we believe that you could throw some light on the duties im-

posed upon us by the Congress of the United States, you are being asked these questions.

Mr. SALEMSON. And because of the duties imposed upon me by the Constitution as a citizen, and the privileges given to me by the Constitution, sir, I do not choose to cooperate in bearing witness against myself which I do not have to do under the fifth amendment.

I have told you that I will cooperate with your committee for what I consider a reasonable extent in a man's life.

Chairman WALTER. You are not the judge of that, of course.

Mr. SALEMSON. In my professional life, 7 years I think is reasonable.

Mr. SCHERER. It is obvious that in the last 7 years you have no information to give this committee. That is the reason you are willing to cooperate.

Mr. SALEMSON. Sir, if you wish to draw this inference, this is your right. But I will stand on my right.

Mr. SCHERER. You don't have any information, and you don't want to help this committee?

Mr. SALEMSON. I have explained to you, in my statement, that the information which is being given about the 1930's, is never related to the connotation of the 1930's, and the information given to the war period is never related to the connotation of the war period, and the information given about the postwar period is never related to it. I am sorry, sir.

I must protect myself against a committee whose chairman appears at a biased political meeting in New York, while these hearings are going on, who is obviously here not to investigate but to convict, sir. Otherwise, I would be before an impartial committee, and I am not before an impartial committee, and I am before a man who associates himself with un-American elements and I stand on my rights under the Constitution.

Chairman WALTER. One more demonstration like that, and I will clear the courtroom.

I am very proud of the fact that I was at this meeting on Monday night, and I assure you that there wasn't a person there who ever has or ever will invoke the privileges of the fifth amendment of the Constitution.

Proceed Mr. Tavenner.

Mr. SALEMSON. I assure you that in different context, those friends of yours might invoke the fifth amendment. Times change.

Mr. TAVENNER. I have before me a pamphlet of the fall term, 1946, of the People's Educational Center in Los Angeles, and there is advertised in this pamphlet the course to be conducted on the forms of political organization. The names of several persons are mentioned who were to take part in the giving of this course on forms of political organization. One of those names is Harold Salemson.

Did you participate in the conduct of the fall term of the People's Educational Center?

Mr. SALEMSON. Since I have already told you I will not testify concerning that period, my answer must be that I stand on the fifth amendment. Insofar as most of my activities are concerned, they are matters of public record.

Mr. TAVENNER. I have before me a photostatic copy of a document entitled "Thought Control in U. S. A.: No. 1, the Conference." On

the inside of the first page appears this: "Edited by Harold J. Salemson."

What part did you play in the holding of this Conference on Thought Control?

Mr. SALEMSON. May I see the document, sir?

Mr. TAVENNER. Yes, sir.

(The document was handed to the witness.)

(Witness consulted with counsel.)

Mr. TAVENNER. It is a reproduction of the cover page and the beginning of the second page. It is on your left.

(Witness consulted with counsel.)

Mr. SALEMSON. Inasmuch as this particular item, sir, relates to the free-lance literary activities which I carried out in 1947 and 1948, or I should say as I testified earlier, early 1947, and mid-1947, prior to joining Creative Films, I will be very happy to answer yes to that. I think this is already covered by the curriculum of work which I previously gave you.

Mr. TAVENNER. Did you, in that Thought Control Conference, consider the type of thought control exercised by the Communist Party in the city of Los Angeles?

Mr. SALEMSON. I had nothing to do, sir, with that conference. I am testifying to the fact that I was employed by the organization which published that, and I don't even know whether it is the same organization that held the conference. I had nothing to do with the conference, to the best of my recollection, at any time, and I was employed professionally to edit that series of booklets, and I did so edit that series of booklets.

Mr. TAVENNER. By whom were you employed?

Mr. SALEMSON. Whatever the name of the committee is there, the Hollywood Independent Citizens Committee.

Mr. TAVENNER. Who was the individual who sought you out for employment?

Mr. SALEMSON. I have no recollection of whom I was employed by, or who signed the checks. I met at that time professionally with a number of people whom I otherwise knew, with Howard Koch, who wrote the introduction, and I would say probably Howard Koch was the person who hired me. With various other people who contributed to that, I could not pinpoint the person that hired me.

Mr. TAVENNER. Did you meet with the people who contributed to this publication?

Mr. SALEMSON. To the best of my recollection, I must have met with most of them because I did certain editing on their copy, and made certain changes and had to get their approval.

Mr. TAVENNER. Did you meet with John Howard Lawson?

Mr. SALEMSON. In this connection, I think so; yes, sir.

Mr. TAVENNER. Do you know John Howard Lawson to be the leader of the Communist Party in Hollywood?

Mr. SALEMSON. Sir, this does not relate to my professional relationship with Mr. Lawson, and I therefore plead the privilege under the fifth amendment.

Chairman WALTER. I direct you to answer that question.

Mr. SALEMSON. I repeat, sir, that I stand on the fifth amendment.

Mr. TAVENNER. Did you take part in the issuance of a call for the Fourth Congress of the League of American Writers?

(Witness consulted with counsel.)

Mr. SALEMSON. I beg pardon, sir?

Mr. TAVENNER. Read him the question, please.

(Whereupon the pending question as above recorded was read by the reporter.)

Mr. SALEMSON. You left your voice up in the air, and I thought you were going to give me a date or something.

Mr. TAVENNER. I beg your pardon, I will repeat it.

Were you one of those who signed a call for the Fourth Congress of the League of American Writers?

Mr. SALEMSON. Sir, would you tell me when the Fourth Congress of American Writers was?

Chairman WALTER. Did you at any time issue this call?

Mr. SALEMSON. Sir, I have not been active as a writer in such connections since July 1, 1948, and I decline under the fifth amendment to discuss the many activities that I of course may have had earlier, but I can't discuss them.

Mr. TAVENNER. The call was published in New Masses, on April 22, 1941, if that date helps you any.

Mr. SALEMSON. Fifth amendment, sir.

Mr. TAVENNER. In listing your employment a few moments ago, you made no mention of work with the Federated Press.

Were you ever connected with the Federated Press?

Mr. SALEMSON. Yes, sir, over quite a period from time to time I was, and I never received any appreciable income, and I think the most that I may have received from them was in the neighborhood of $500 a year during the first 2 or 3 years I was in New York furnishing motion picture news, and show business news to them.

Mr. TAVENNER. Was that after you returned from Hollywood?

Mr. SALEMSON. Yes, sir.

Mr. TAVENNER. Who employed you to work with the Federated Press?

Mr. SALEMSON. Whoever was the news editor at the moment, I believe that at that time a Miss Miriam Kolkin was the news editor.

Mr. TAVENNER. For how long a period of time did you write for the Federated Press?

Mr. SALEMSON. I think that I first sent some material to the Federated Press about 1935 or 1936, and furnished such material off and on until the war started, and then resumed. I don't remember whether I resumed immediately after the war or later when I came to New York, but until about 3 or 4 years ago, I don't remember exactly when.

Mr. TAVENNER. But you worked for the Federated Press prior to your coming to New York, on July 1, 1948?

Mr. SALEMSON. Yes, that is part of my professional record.

Mr. TAVENNER. Were you influenced in any way by membership in the Communist Party in accepting a position with the Federated Press?

(Witness consulted with counsel.)

Mr. SALEMSON. Sir, inasmuch as this is—excuse me——

(Witness consulted with counsel.)

Mr. SALEMSON. Sir, as far as I am concerned in my work for Federated Press, to the best of my recollection there was never any mention

one way or the other of the Communist Party, nor was I aware of any relationship which might or might not have existed, and I was not influenced, sir. This was a professional job, which I was interested in doing because I was an independent thinker then, as I am now. I have all of my life been an independent thinker, and I think that this largely contributes to the position which I have taken.

Mr. SCHERER. Did the party who employed you for the job know that you were a member of the Communist Party at the time?

Mr. SALEMSON. Sir, insofar as this question relates to whether or not I was a member of the Communist Party at that time, I stand under the fifth amendment.

Mr. SCHERER. Did you know him to be a member of the Communist Party? That doesn't relate to you, and you can only use the fifth amendment in avoiding self-incrimination.

Mr. SALEMSON. Sir, insofar as my professional relationship with the Federated Press is concerned, the answer to that question is "no." Insofar as it relates to anything political, I stand on the fifth amendment.

Mr. SCHERER. You say you don't know whether he was a member of the Communist Party?

Mr. SALEMSON. Sir, as I think I stated before, nothing of this sort entered into my relationship with the Federated Press, and therefore I would have no way of so knowing.

Mr. SCHERER. I didn't ask you that question. I asked whether or not you knew at the time, that the person who employed you was a member of the Communist Party. That is the question.

(Witness consulted with counsel.)

Mr. SALEMSON. Sir, I think this is a question on which I really must stand on the fifth amendment because it is much too vague, and you are not talking about an individual, or a particular time.

Mr. SCHERER. Who did employ you? We just mentioned his name. Who was the man who wrote the forward?

Mr. SALEMSON. I beg your pardon.

Mr. TAVENNER. I don't think the name has been mentioned.

Mr. SALEMSON. No name has been mentioned at all. In about 1935 under circumstances which I recall no longer, someone told me about Federated Press, and the existence of which I did not know before, and told me that they might be interested in items from Hollywood, and I started sporadically to send them items from Hollywood. I think by checking Federated Press you would find from 1935 on, who their news editors were, and these were the people that I dealt with, until later when I came to New York I did not know most of them personally, and most of those news editors unless they happened to come out to Hollywood. This was the kind of minor free-lance work that a writer does who is generally interested in trade unions as I was, and generally interested in the labor movement, and it happened to bring in a little money from time to time which was fine.

Mr. SCHERER. Then your answer is that you have no recollection as to who employed you?

Mr. SALEMSON. No, sir, as to who employed me, or got me together with Federated Press I have no recollection whatsoever.

Mr. TAVENNER. Were you aware that many of the articles written by you for the Federated Press were reprinted or recopied in Daily People's World, and if so, do you know what arrangements were made for their use?

Mr. SALEMSON. Approximately 260 papers, or up to 260 papers I think at the height of Federated Press' activity from time to time carried my column. I was certainly aware that it was carried at times, during the 1930's, in the Daily Worker and the People's World.

Mr. TAVENNER. Were you in any way a party to the carrying of it in the Daily People's World, in the sense that you were consulted, or any arrangements were made with you for carrying it?

Mr. SALEMSON. No, sir.

Mr. TAVENNER. I don't know whether you meant to indicate that it was just back in the 1930's that the Daily People's World carried your articles, and in the Worker. It was actually right up to 1947, was it not?

Mr. SALEMSON. So far as I know they may have carried it later, I have not kept a record of that particularly, and the columns appeared there, and appeared in many other labor and progressive papers.

Mr. TAVENNER. Yes. Now with reference to these various papers, particularly labor papers carrying articles from the Federated Press, are you aware of what President William Green of the American Federation of Labor said on that subject?

Mr. SALEMSON. Excuse me, sir, when did he say it?

Mr. TAVENNER. He said it in March of 1947, and this is what he said:

In March of 1947, President William Green of the American Federation of Labor noted that the Federated Press offered Communist Party line material, and expressed astonishment that labor papers in the Nation would use such material as the Federated Press issued.

Mr. SALEMSON. Sir, I am not familiar with it, but I think if you were to——

Mr. TAVENNER. The Federated Press was denounced at the October 1947 convention of the American Federation of Labor.

Mr. SALEMSON. I am not familiar with it but I think if you were to check back, personally, I was a CIO man and not an A. F. of L. man, and I think if you would check back you would find that this was a line of publicity being used for the founding of something called Labor Press Associates, which the A. F. of L. founded to try to put Federated Press out of business because Federated Press favored the CIO.

Mr. TAVENNER. You think President William Green was incorrect when he said that the Federated Press offered the Communist Party line in material to the public?

Mr. SALEMSON. Sir, I am afraid that I have no opinion on that.

Mr. TAVENNER. Then why would you accuse Mr. Green of using ulterior purposes instead of the one he designated?

Mr. SALEMSON. As I understand it, Labor Press Associates was an A. F. of L. news service, which they were trying to put over, and I think that in the context of the time and here again, is why I think it is so important that we do not look back forever but we look at when these things took place, and when people said things, which is something which, believe me, as a public relations man I am very critical of your committee about—when you realize that this was said at a time when Mr. Green had his own news service to sell, and it doesn't hold water. Some publicity man wrote it for him in all likelihood, sir.

Mr. TAVENNER. You would say that in spite of the fact that you now contend that you had no knowledge about the Federated Press carrying the Communist Party line?

Mr. SALEMSON. Sir, the question of Federated Press carrying the Communist Party line was of no relevance to me professionally, and I wrote labor news for them.

Mr. SCHERER. Were you a member of the party at that time?

Mr. SALEMSON. Sir, if you are referring to the period before July 1, 1948, my memory for an hour is quite good and I am still not answering questions under the fifth amendment on any activities other than my purely professional activities which are a matter of public record on any period prior or to July 1, 1948, and I would like to repeat again for the record that I think that I am being very reasonable with you.

Mr. SCHERER. And you say that you are willing to cooperate since 1948 with this committee, and give them all of the information that you have?

Mr. SALEMSON. Sir, I am willing to——

Mr. SCHERER. The fact is that you have no information since 1948 concerning any Communist Party activities, and that is the reason you are willing to cooperate.

Mr. SALEMSON. Sir, if you are making a statement, I would like to make a statement.

Mr. SCHERER. I am asking, isn't it a fact that you have no information since 1948 about any Communist activities?

Mr. SALEMSON. I have no information.

Mr. SCHERER. That is the reason then that you told the committee and tried to put a halo around your head, that you are willing to cooperate with this committee and tell them everything you know since 1948. The fact is you don't know anything about Communist Party activities since 1948 that would be helpful to this committee.

Mr. SALEMSON. That is correct.

Mr. SCHERER. Isn't that a fact?

Mr. SALEMSON. That is correct.

Mr. SCHERER. All right. But you do know about Communist Party activities before 1948 and you are refusing to tell us about those.

Mr. SALEMSON. I have already stated earlier in my testimony that I will not testify about that and what implication was that could or could not be drawn and what my reason was. I will not allow myself to be entrapped by people who are willing to come in here and testify in order to clear themselves as former heretics, in order to come back into the fold and testify about anything that they wish, and then go into court to have their testimony which may or may not be dependable put up against mine.

I therefore stand on the fifth amendment insofar as any activities, opinions, or beliefs of mine other than my purely professional ones before July 1, 1948.

Mr. SCHERER. You tell us the name of any person who has come before this committee who has lied to this committee or told us something that was untrue.

(Witness consulted with counsel.)

Mr. SCHERER. Tell us the name of any witness.

Mr. SALEMSON. Would you repeat that question?

Mr. SCHERER. You tell us the name of any witness who has been before this committee, take even this week, who has told us an untruth.

(Witness consulted with counsel.)

Mr. SALEMSON. Sir, I am not, I have been here only today, and I have not been following these hearings or other hearings so closely as to know all about this, and I am entitled to my opinion of what recanting heretics throughout the ages have been. If you people will not learn from history and will not learn even from not too old American history of the type of testimony that is sometimes given, in the case of people who are trying now to clear themselves, then, sir, I must decline under the fifth amendment to put myself in the same class with people like that and to have my word which I have no question about, put up against their's under purely technical circumstances where I have no assurance——

Mr. SCHERER. What recanting heretic told this committee anything that was untrue that makes you use the fifth amendment?

(Witness consulted with counsel.)

Mr. SALEMSON. As far as I know you have only had one and I never heard of the man before yesterday, and so I can't discuss him at all.

Chairman WALTER. What part of his testimony was false?

Mr. SALEMSON. I don't know anything about his testimony.

Chairman WALTER. You charge him with testifying falsely without knowing what he testified to?

Mr. SALEMSON. I am not charging him.

Chairman WALTER. Of course you have, you just said that "you have only had one."

Mr. SALEMSON. This committee has gone on for a long time.

Chairman WALTER. Yes; I know.

Mr. SALEMSON. This committee has gone on for a long time.

Chairman WALTER. By unanimous vote of the Congress.

Mr. SALEMSON. Yes, sir.

Chairman WALTER. All right, go ahead, Mr. Tavenner.

Mr. TAVENNER. Mr. Salemson, as a result of testimony which the committee had received in its investigation, it was thought that you were in a position by which you could give the facts regarding important matters that the committee has been investigating. You say that you are not going to give us the benefit of any information which you have up until July 1, 1948? If I understand you correctly, you have indicated that you have no information since July 1, 1948. Is that the substance of what you have stated?

Mr. SALEMSON. I have stated to you sir that I am not a member of the Communist Party, and I know nothing about any Communist activities since that time, and if you have any direct questions I will be happy to answer them.

Mr. TAVENNER. And because you say that you have not been a member since July 1948, therefore you are unable to give this committee any facts?

Mr. SALEMSON. Yes.

Mr. TAVENNER. Prior to July 1, 1948, you could give this committee facts if you would; couldn't you?

Mr. SALEMSON. Sir, I stand on my privilege under the fifth amendment and I have explained to you, and it seems to me I need not explain it again, I think that I am a reasonable man, that I will not

allow myself to be maneuvered into a position of making yes or no statements about things that took place over 7 years ago to have this put against the word of somebody else whoever that person may be. I think that 7 years is a reasonable period and therefore, sir, I will continue to stand on the fifth amendment.

Mr. TAVENNER. Let me ask you this question.

Since July 1, 1948, have you conferred with any persons that you knew prior to that time was a member of the Communist Party?

Mr. SALEMSON. What do you mean by "conferred," sir?

Mr. TAVENNER. Talked with, corresponded with, have conferences with.

Mr. SALEMSON. Sir, I think that this is a loaded question, on which I must stand under the fifth amendment, since obviously you are asking me whether I knew them before July 1, 1948, and I think it is kind of clear, but I think it is an attempt to evade or get exactly the same way that this committee generally evades due process of law by trying to trap people where there is no due process by which you can repress in this country today still fortunately, independent thinking. You are trying to inhibit independent thinking. All of my life, sir, I have been an independent thinker.

Chairman WALTER. We don't care about that. I am directing you to answer that question.

Mr. SALEMSON. Sir, I stand on my privilege under the fifth amendment not to answer this question which relates again to the period that I have said I would not talk about.

Chairman WALTER. No; you misunderstood.

Mr. TAVENNER. It could have been even yesterday, and that is well within the 7-year period that you have been talking about.

I have no further questions, Mr. Chairman.

Chairman WALTER. Have you any questions, Mr. Scherer?

The witness is excused.

Mr. TAVENNER. Mr. David Kanter.

Chairman WALTER. Will you raise your right hand please?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KANTER. I do.

TESTIMONY OF DAVID KANTER, ACCOMPANIED BY HIS COUNSEL, HARRY SCHWIMMER

Mr. TAVENNER. What is your name, please, sir?

Mr. KANTER. David Kanter.

Mr. TAVENNER. Will you please spell your name, please?

Mr. KANTER. K-a-n-t-e-r.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. SCHWIMMER. Harry Schwimmer, 111 East 56th Street, New York City.

Mr. TAVENNER. When and where were you born, Mr. Kanter?

Mr. KANTER. Philadelphia, July 12, 1909.

Mr. TAVENNER. Where do you now reside?

Mr. KANTER. New York City.

Mr. TAVENNER. How long have you been a resident of New York City?

Mr. KANTER. I would say about 12 or 13 years.

Mr. TAVENNER. What is your profession or occupation?

Mr. KANTER. I am a production stage manager in a theater.

Mr. TAVENNER. How long have you been engaged in that type of enterprise?

Mr. KANTER. About 18 years roughly.

Mr. TAVENNER. Will you tell the committee please some of the principal stage productions which you have directed?

Mr. KANTER. Well, currently, I will go back from now to the Boy Friend, which is currently running on Broadway; Take a Giant Step; Lend an Ear, Alive and Kicking; and 2 or 3 other productions, and Call Me Mister. I did 2 or 3 others, the Searching Wind; the Rugged Path, and——

Mr. TAVENNER. Call Me Mister was produced in 1946 and 1947; was it not?

Mr. KANTER. I think that is correct, sir.

Mr. TAVENNER. Will you tell the committee please what your formal educational training has been?

Mr. KANTER. I had grammar-school education, and a year of high school, and that was the extent of my education.

Mr. TAVENNER. Mr. Kanter, were you subpenaed at an executive session of the committee on August 1, 1955, in Washington at which Representatives Doyle, of California, and Scherer, of Ohio, were sitting as the subcommittee?

Mr. KANTER. That is correct, sir.

Mr. TAVENNER. I want to read to the subcommittee a part of the testimony as a basis for asking this witness a question.

Mr. APPELL. Mr. Kanter, the committee is currently making an investigation of the extent to which the Communist Party and its members figure in the entertainment media in New York. The committee has certain information that you possess knowledge in this field and we have called you before us to help the committee and the Congress with the knowledge that you possess. Do you possess any knowledge with respect to the Communist Party?

Mr. KANTER. I am sorry, sir.

Counsel—

not the present counsel, Mr. Ross, stated:

May I advise the witness?

Mr. DOYLE. The witness conferred with his counsel.)

(The witness conferred with his counsel.)

Mr. SCHWIMMER. Before you read further, Mr. Tavenner, as I understand it, Mr. Ross asked for a copy of the transcript, so he told me, and he was advised that it would be sent to him, and I am saying what he told me. He never did receive a copy of that transcript, and we don't have a copy of it.

Mr. TAVENNER. I would be happy if you would sit by me while I read it so that you may see what it is. Come right over here.

Mr. SCHWIMMER. Thank you, sir.

Mr. TAVENNER (reading):

Mr. KANTER. I am sorry, sir, I don't want to appear disrespectful to you gentlemen and your committee, and your work, but I am afraid that I must decline to answer these questions, and I cannot testify in connection with this matter on the grounds of the fifth amendment.

I read further from the testimony:

Mr. SCHERER. Might I interrupt? Were you ever a member of the Communist Party?

Mr. KANTER. I refuse to answer on the grounds of the fifth amendment, sir.
Mr. SCHERER. Are you a member of the Communist Party today?
Mr. KANTER. It is the same answer, sir, I refuse to answer on the grounds of the fifth amendment.

Now, following those questions and answers, you were asked other questions to which you declined to answer, and finally Mr. Scherer made this statement to you:

Perhaps it has not been clear. Let us go over it again.
In other words, he is repeating what he had already said. Let us go over it again.
Now, you have been asked certain questions with reference to your knowledge of communism and your associations with the Communist movement. You have told this committee that you are not going to answer those questions. Now, the reason you give for not answering them, and in our opinion the only reason that you can give us is the fact that you say that to answer those questions might result in a criminal prosecution, and that you might in some way by answering our questions subject yourself to some criminal prosecution. Now, if you honestly believe that, and I think that you do believe that, you certainly have the right to invoke the fifth amendment and refuse to answer our questions.
We feel that you have some valuable information that would help this committee and help your country, or at least I feel that way, and I think that Mr. Doyle does. We could use that information very well. What I am saying is this:
If this committee would invoke the law which was passed just last year which gives us the right to grant you immunity and to free you from any possible prosecution for the answers that you might give us, would you then tell us what you know?
Mr. KANTER. May I just say a word to my counsel?
Mr. SCHERER. Surely.
(The witness conferred with his counsel.)
Mr. KANTER. Sir, counsel advises me that this whole law is a highly debatable law, and it is before the Supreme Court. He advises me not to make any statemen in relation to that at this time.
Mr. SCHERER. Now, will you do this, then. When you leave here today, will you give some consideration to the proposal that I have made, and I do not think in my opinion, and I may be wrong, and your counsel may be right, that it is as debatable as he thinks it is. I am thoroughly convinced in my own mind that no persecution would result if we would grant you immunity. Whether the law was eventually interpreted to be constitutional or not, certainly no government would prosecute you after a committee granted you immunity. We just don't do things in that way in this country.
I wish after you get away from here, and you think this over, if you might not want to cooperate with this committee. Certainly I think that I am speaking for Mr. Doyle and myself that we are not interested in prosecuting you, but we do think that you have some valuable information that would help us in uncovering some Communist activities in this country that might be helpful.
I have nothing further.

Now, Mr. Kanter, from what I understand, that offer of the committee stands good today, and I want to ask you this question:

If proper application is made to the Federal court to secure immunity against prosecution, will you testify as to the facts within your knowledge?

(Witness consulted with counsel.)

Mr. KANTER. Sir, I must tell you that I must take the same position today as I took when I was first called before the subcommittee in Washington, because I am advised again by counsel that this law is in a highly debatable state.

Mr. TAVENNER. You were subpenaed for the first day of this hearing, or the beginning of this hearing, and we have postponed your appearance from day to day at your request through members of your family, to see if you would think differently about the matter. If that is your final decision, I have no further questions.

Chairman WALTER. Do you have any questions Mr. Scherer?

Mr. SCHERER. I was the one of course who asked you to further consider the matter, because I felt that you actually wanted to tell us what you knew. There were certain influences and certain pressures on you that prevented you from so doing, and that is the reason I spent so much time at that hearing explaining to you the law, and the willingness of this committee to do what Mr. Tavenner indicated we would do.

Now, as I said then, I don't think that the law is as debatable as you have been informed it is, but let us assume that this issue is finally settled and the law is held to be constitutional and that there is no question that we have the power to grant you the immunity which I think we have today, would you then answer the questions?

Mr. KANTER. May I consult with counsel?

(Witness consulted with counsel.)

Mr. SCHWIMMER. May I make this statement?

Mr. SCHERER. I would rather have him make the statement, counsel.

Mr. KANTER. Sir, I must say again that I am sorry, that I am taking my counsel's advice in this matter, and the same answer that I have given you before must stand.

Mr. SCHERER. You mean then, Witness, that if there was no question about it—you base your refusal now to answer on the grounds that this law is debatable.

Now, my question was, if that question was resolved, and it was no longer debatable, and we granted you immunity, would you then answer the questions?

(Witness consulted with counsel.)

Mr. KANTER. I don't recall saying that I would have changed my opinion if the decision was changed or if the Supreme Court issued a new decision on it.

Mr. TAVENNER. In other words the debatability of the act has nothing to do with your decision. In any event you are just not going to testify?

Mr. SCHERER. That now becomes obvious. And I was in error in my judgment of this witness.

Mr. KANTER. That is about right.

Mr. TAVENNER. I have no further questions.

Chairman WALTER. The witness is excused.

I want to take this opportunity to thank the members of the press for the objective reporting of the hearings of this unpleasant job that the Congress of the United States has imposed upon this committee. With the exception of course of that segment of the press which has been so apologetic, the reporting has been very fair, and I am sure that the people in this country now have an appreciation of the manner in which innocent people and others are enlisted into this conspiracy.

I want also to thank the United States marshals for their splendid job in preserving order, and the custodian of the building for providing these quarters, and last but not least, the members of the staff of this committee and members who have worked so long and so hard during a period we all ought to be having a rest.

The committee is adjourned.

(Whereupon, at 4:30 p. m., the committee adjourned, subject to the call of the Chair.)

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INVESTIGATION OF COMMUNIST ACTIVITIES, NEW YORK AREA—Part VIII (ENTERTAINMENT)

HEARING

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES HOUSE OF REPRESENTATIVES

EIGHTY-FOURTH CONGRESS

FIRST SESSION

OCTOBER 14, 1955

Printed for the use of the Committee on Un-American Activities

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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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Public Law 601, 79th Congress

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * *

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

Rule X

SEC. 121. STANDING COMMITTEES

* * * * * * *

17. Committee on Un-American Activities, to consist of nine Members.

Rule XI

POWERS AND DUTIES OF COMMITTEES

* * * * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Actviities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 84TH CONGRESS

House Resolution 5, January 5, 1955

* * * * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

* * * * * * *

(q) Committee on Un-American Activities, to consist of nine Members.

* * * * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * * * *

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INVESTIGATION OF COMMUNIST ACTIVITIES, NEW YORK AREA—PART VIII (ENTERTAINMENT)

FRIDAY, OCTOBER 14, 1955

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Hollywood, Calif.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10:45 a. m., in Hollywood, Calif., Hon. Clyde Doyle (chairman) presiding.

Committee members present: Representatives Clyde Doyle and Donald L. Jackson.

Staff members present: Frank S. Tavenner, Jr., counsel; William A. Wheeler, investigator.

Mr. DOYLE. Let the record show that the full membership of the subcommittee, Representative Jackson, of Los Angeles County, Calif., and Representative Doyle, of Los Angeles County, Calif., is present; this subcommittee having been appointed by the chairman of the Committee on Un-American Activities, Hon. Francis E. Walter, of Pennsylvania, for the purpose of this hearing.

May we ask the cooperation—I know you will give it—of the photography-end of the news world in taking no pictures of the witness while he is testifying and no pictures of the committee, please. Thank you very much.

Are you ready, Mr. Tavenner?

Mr. TAVENNER. Yes, sir. If you will please swear in the witness, Mr. Mostel.

Mr. DOYLE. Mr. Mostel, will you rise and be sworn?

Do you solemnly swear that the evidence you shall give to this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MOSTEL. I do.

Mr. DOYLE. Thank you.

TESTIMONY OF SAM (ZERO) MOSTEL, ACCOMPANIED BY COUNSEL, RICHARD GLADSTEIN

Mr. TAVENNER. Will you state your name, please, sir?

Mr. MOSTEL. My name is Sam Mostel.

Mr. DOYLE. Will you spell your last name?

Mr. MOSTEL. M-o-s-t-e-l.

Mr. DOYLE. May I make this statement? I am not sure that counsel with the witness this morning is entirely familiar with our procedure.

Mr. GLADSTEIN. Oh, yes. I have been before the committee before. I assumed that Mr. Tavenner in his usual way was going to get around to asking counsel to state his name for the record, and about question No. 3 or 4, as I remember.

Mr. TAVENNER. No; that is the next question.

Will counsel please identify himself for the record?

Mr. GLADSTEIN. Yes; my name is Richard Gladstein, 240 Montgomery Street, San Francisco.

Mr. TAVENNER. When and where were you born, Mr. Mostel?

Mr. MOSTEL. I was born in 1915, February 28 1915, in Brooklyn.

Mr. TAVENNER. Where do you now reside, Mr. Mostel?

Mr. MOSTEL. In New York City.

Mr. TAVENNER. How long have you lived in New York City?

Mr. MOSTEL. All my life.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. MOSTEL. I went to the public schools of New York, right through college.

Mr. TAVENNER. When did you complete your college work?

Mr. MOSTEL. 1935.

Mr. TAVENNER. Will you tell the committee, please, briefly what the nature of your employment or your profession has been since 1935?

Mr. MOSTEL. In 1935 I was a painter, an artist, and I worked on WPA as a painter; and subsequently I became an entertainer, in 1942. I have been in the entertainment field since.

Mr. TAVENNER. From 1935 until 1942 you followed the occupation of an artist?

Mr. MOSTEL. I called myself an artist. Maybe I am the only one who did. But I also did many odd jobs so I could paint.

Mr. TAVENNER. When did you begin your profession as entertainer?

Mr. MOSTEL. 1942.

Mr. TAVENNER. Since 1942?

Mr. MOSTEL. Yes.

Mr. TAVENNER. What was your first employment as an entertainer?

Mr. MOSTEL. I worked in a nightclub in New York City.

Mr. TAVENNER. What nightclub was that?

Mr. MOSTEL. Cafe Society, downtown.

Mr. TAVENNER. How long were you employed there?

Mr. MOSTEL. About a year, I would say.

Mr. TAVENNER. Would that be the year 1942, or did it extend over into 1943?

Mr. MOSTEL. I believe it did. I'm not too sure.

Mr. TAVENNER. What was your next employment?

Mr. MOSTEL. Then I took work—I worked in many nightclubs, films, theaters, tap shows, that sort of employment; movies.

Mr. TAVENNER. When you say you worked in films, did you mean in the movies?

Mr. MOSTEL. In the movies.

Mr. TAVENNER. When did your work begin in the movies and where?

Mr. MOSTEL. I did one picture for MGM called Du Barry Was a Lady.

Mr. TAVENNER. What was the date?

Mr. MOSTEL. 1942.

Mr. TAVENNER. Was that work done in Hollywood or in New York?

Mr. MOSTEL. Hollywood.

Mr. TAVENNER. What was your next film production?

Mr. MOSTEL. My next film was a picture called Panic in the Streets.

Mr. TAVENNER. Where was that filmed?

Mr. MOSTEL. In New Orleans.

Mr. TAVENNER. And what date?

Mr. MOSTEL. I'm not too sure of the date, but it was about 4 years ago, I believe.

Mr. TAVENNER. During the period of the production of your first film, how long were you in Hollywood?

Mr. MOSTEL. About 11 weeks. I'm not too sure, but I would say about 11 weeks or 10 weeks.

Mr. TAVENNER. Were you in California at any time between 1942, when you produced that film, and the present time for the purpose of carrying on your profession?

Mr. MOSTEL. I didn't understand the question.

Mr. TAVENNER. Were you in Hollywood or in the State of California at any time after 1942 for the purpose of carrying on your profession?

Mr. MOSTEL. Oh, yes; I was. I then did films for—I did several independent films for Columbia, Warner Bros., and I was signed to a contract with Twentieth Century-Fox. Or is it the Eighteenth Century-Fox? I don't recall. Twentieth Century-Fox.

Mr. TAVENNER. What was the date of your work here in California?

Mr. MOSTEL. Well, I worked sort of free lance until I got this contract, and then I stayed here for the term of my contract.

Mr. TAVENNER. For how long a period was that?

Mr. MOSTEL. About a year, I would say.

Mr. TAVENNER. What year?

Mr. MOSTEL. I would say it was 3 years ago, or 3½ years ago.

Mr. TAVENNER. Did your work require you to be here from time to time?

Mr. MOSTEL. Yes. Oh, I not only worked in films here. I also recently did a play here, Lunatics and Lovers.

Mr. TAVENNER. What I am trying to find out is whether from 1942 up to the present time your work required you to be here in California from time to time.

Mr. MOSTEL. From time to time.

Mr. TAVENNER. Intermittently.

Mr. MOSTEL. Oh, yes, of course.

Mr. TAVENNER. Would you say it was as often as once a year?

Mr. MOSTEL. There was quite a hiatus between the 1942 film to Panic in the Streets, which was done in New Orleans. And then after that—in other words, I suppose 1940, 1941, 1951—that's about 7 years. So I would say the next time I appeared was 8 years later in a film.

the greatest artistic thing that has ever come down the pike, called The Enforcer, with Humphrey Bogart.

Mr. TAVENNER. Mr. Mostel, the records of the committee show that you were subpenaed on July 19, 1955, to appear in New York for hearings by this committee on August 19, 1955. After the service of a subpena on you we understand you came to the west coast in connection with some play you were engaged in, and your counsel in New York called the committee and represented that it would work quite a hardship on you to require you to come back for an appearance on August 19. And because of that the committee agreed to postpone your appearance.

Mr. MOSTEL. I want to thank the committee.

Mr. TAVENNER. And that is the reason for your being here now.

Mr. MOSTEL. I wish to thank the committee formally for disposing of that time. It would have worked a hardship on the cast.

Mr. DOYLE. We always try to cooperate in those cases.

Mr. TAVENNER. You stated your first employment in the field of entertainment was with Cafe Society in 1943.

Mr. MOSTEL. 1942.

Mr. TAVENNER. Who assisted you in obtaining that employment?

Mr. GLADSTEIN. If anyone.

Mr. MOSTEL. Nobody assisted me. I auditioned, and quite a period elapsed before I was actually then hired for the job.

Mr. TAVENNER. Who hired you?

Mr. MOSTEL. Well, actually I believe it was Barney Josephson.

Mr. TAVENNER. Was Barney Josephson the owner of the Cafe Society at that time?

Mr. MOSTEL. Yes.

Mr. TAVENNER. Was Ivan Black connected with Cafe Society at that time?

Mr. MOSTEL. He was the public relations man for it.

Mr. TAVENNER. Did he play any part in your employment?

Mr. MOSTEL. Well, people say all sorts of things about entertainers; but I entertain, and I don't know the part he played in my employment. I was paid by the Cafe Society Corp.

Mr. TAVENNER. You are also known by "Zero" as a nickname, are you not?

Mr. MOSTEL. Yes, sir. After my financial standing in the community, sir.

Mr. TAVENNER. Was it Ivan Black who gave you that name?

Mr. MOSTEL. Well, that's also a story. I don't know who gave it to me, actually. He claims to have, I suppose. Maybe he did; I don't know.

Mr. TAVENNER. Had you known Ivan Black before you became employed at Cafe Society?

Mr. MOSTEL. No, sir.

Mr. TAVENNER. Were you a member of the Young Communist League prior to being employed at Cafe Society?

Mr. MOSTEL. That has nothing to do with my employment, obviously, your question.

Mr. TAVENNER. My question was whether or not you were a member of the Young Communist League at any time before you were employed.

Mr. MOSTEL. I refuse to answer that question on the grounds of the fifth amendment.

Mr. TAVENNER. During the period of the 1 year when you were employed by Cafe Society, did you become well acquainted with Ivan Black?

Mr. MOSTEL. I would say I became acquainted to the extent that it was a business relationship. As a matter of fact, personally my attitude toward press agents is not one of the most complimentary kind, and I thought he was a necessity for a man who was in the entertainment field. He was not my great friend, although a friend.

Mr. TAVENNER. While engaged in your employment at Cafe Society did you acquire knowledge, personal knowledge, that Ivan Black was a member of the Communist Party?

Mr. MOSTEL. May I confer with my attorney a moment?

(The witness conferred with his counsel.)

Mr. MOSTEL. Do you mind if I hesitate a moment?

Mr. DOYLE. Take your time.

Mr. MOSTEL. It is a problem, it seems to me. That's why I am taking my time answering this question on these private opinions, because I am not too clear on certain things; but I will be glad to answer any questions of that sort where I don't have to talk about other individuals.

Mr. TAVENNER. May I ask that the witness be directed to answer?

Mr. DOYLE. We are not satisfied with that answer, Witness, as being sufficient, and therefore I direct you to answer the question.

Mr. MOSTEL. Well, then, I refuse to answer this question under the constitutional privileges which I have, which includes the fifth amendment.

Mr. DOYLE. Very well.

Mr. TAVENNER. Are you acquainted with a person by the name of Martin Berkeley?

Mr. MOSTEL. Is he there again? I hesitate to answer about him, because I don't recall ever meeting him or knowing him. I don't know who he is. I know about him from the newspapers, of course, but I don't know whether he knows me, and I don't know whether I met him or whether he met me. But I have to decline on the previous grounds that I have stated.

Mr. TAVENNER. You mean for the same reason?

Mr. MOSTEL. Yes, fifth amendment.

Mr. TAVENNER. That you gave before?

Mr. MOSTEL. Yes.

Mr. TAVENNER. Mr. Berkeley testified before this committee on January 29, 1952, relating to you as follows:

Zero Mostel, I met him in Hollywood, I will have to say around 1938—

Mr. MOSTEL. That's a——

Mr. TAVENNER. All right.

Mr. MOSTEL. I wasn't——

Mr. TAVENNER. All right. Now, what is your reply?

Mr. MOSTEL. Nothing, sir. You haven't asked me a question yet.

Mr. TAVENNER. You made a statement which I understood to mean that you were not here in 1938.

Mr. MOSTEL. I was not here in 1938. I was not here previous to 1942.

Mr. TAVENNER. Were you acquainted with Lionel Stander?

Mr. MOSTEL. Yes, sir; fine actor, a very talented man.

Mr. TAVENNER. Continuing with Mr. Berkeley's testimony, and repeating what I read:

> Zero Mostel, I met him in Hollywood, I will have to say around 1938, at the home of Lionel Stander. There was a meeting of the writers' fraction at which I was present, and he was among those who were there.

Mr. MOSTEL. I think Mr. Berkeley is in complete error. I was never here in 1938. I did not know Mr. Stander in 1938. I was a painter.

Mr. TAVENNER. When did you first become acquainted with Mr. Lionel Stander?

Mr. MOSTEL. I don't recall exactly the circumstance.

Mr. TAVENNER. Was it in 1942 when you played in or produced your first movie in Hollywood?

Mr. MOSTEL. I couldn't tell you, sir. I wouldn't know that. I don't recall. It eludes my memory completely. I know I met him. I met him quite a few years ago, but not in 1938, 1939, 1940, or 1941, not in those 4 years.

Mr. TAVENNER. But in 1942 you are not certain?

Mr. MOSTEL. I am not very certain; no, sir; I might have.

Mr. TAVENNER. Did you attend a meeting in the home of Mr. Stander at which Mr. Martin Berkeley was present?

Mr. MOSTEL. I have never been in the home of Mr. Stander in whatever city I may have run across him.

Mr. TAVENNER. Did you attend a fraction meeting of the Communist Party in the home of Lionel Stander in 1942 or any other time?

Mr. MOSTEL. I have already answered that by saying I have never been at the home of Mr. Stander at any time.

Mr. TAVENNER. Were you a member of the Communist Party in 1942?

Mr. MOSTEL. I refuse to answer that question on the grounds previously stated, sir, constitutional liberties, which I hear are granted to every individual in this land.

Mr. JACKSON. And which the committee does not question.

Mr. MOSTEL. I am sure it doesn't.

Mr. TAVENNER. Mr. Mostel, during the course of our hearings in August in New York City and also during the course of other hearings the committee has heard evidence of the assistance given by various persons to the Communist Party by entertaining at Communist Party functions, at public meetings that have been initiated by the Communist Party and at-cause meetings, as they have been often referred to, initiated by the Communist Party, as well as meetings held by organizations commonly known and referred to as Communist front organizations.

Mr. MOSTEL. And many other types of meetings which were held for cancer, heart, common colds, and a host of other favorites.

Mr. TAVENNER. Yes; I imagine the same people who performed for the Communist Party performed for many other organizations and groups. The committee heard evidence, for instance, by George Hall

that his function in the Communist Party in New York City was to assist the Communist Party at fund-raising campaigns by entertainment.

Mr. MOSTEL. Which is a far cry from the accusation that the sole function of the Communists is to overthrow the Government.

Mr. TAVENNER. I would like to ask you some questions about entertainment in which you have engaged in the past or which you have been alleged to have engaged in.

I have before me a photostatic copy of the December 21, 1943, issue of New Masses, page 31, where there appears one-third page advertising entitled "Fund for Freedom," by the Joint Anti-Fascist Refugee Committee. It is advertised for December 26 of that year. Do you recall having engaged in that entertainment for the Joint Anti-Fascist Refugee Committee?

Mr. MOSTEL. Sir, could I see it? It might refresh my memory.

Mr. TAVENNER. Yes, sir.

Mr. MOSTEL. Was this an organization on the Attorney General's subversive list?

Mr. TAVENNER. Yes, sir.

Mr. MOSTEL. Then I decline to answer that question.

Mr. TAVENNER. I hand you now an advertisement of the American Youth for Democracy entitled "Support the Maritime Workers." It shows an entertainment to be given on June 14, 1946. It is called a Youth Rally. Entertainment is to be furnished by, among others, Zero Mostel, according to the advertisement.

Will you examine it, please, and state whether or not you took part in that program for the American Youth of Democracy?

Mr. MOSTEL. May I confer with my attorney? I am sorry I didn't ask you.

Mr. DOYLE. Yes, sir. You may confer with your counsel at any time. We are glad to have you do that.

(The witness conferred with his counsel.)

Mr. MOSTEL. Sir, I don't recall about this at all. But is this organization on the Attorney General's subversive list as well?

Mr. TAVENNER. Yes. I will read the citation:

American Youth for Democracy cited as subversive and Communist by Attorney General Tom Clark December 4, 1947, and again on September 21, 1948; cited by the Special Committee on Un-American Activities March 29, 1944, as the new name under which the Young Communists League operates and which also largely absorbed the American Youth Congress.

Mr. MOSTEL. Well, then, I have to decline to answer that, sir.

Mr. DOYLE. May I suggest that it be understood between the witness and the committee and the witness' counsel that wherever the witness says he declines to answer he intends to state that he relies upon his constitutional privilege of the fifth amendment?

Mr. GLADSTEIN. Yes; I think that is correct.

Mr. DOYLE. Is that satisfactory?

Mr. MOSTEL. Yes. I therefore decline to answer on my constitutional privileges.

Incidentally, there are some fine names on it: Durante and Milton Berle, Georgia Sothern.

Mr. JACKSON. None of whom has been identified in open session as members of the Communist Party, however.

Mr. MOSTEL. But, sir, the Joint Anti-Fascist Refugee Committee was on the Attorney General's list.

Mr. JACKSON. Yes; but the names you mentioned. There is no question but what some very worthwhile performances were given by people who were entirely sincere in their motivation and who knew nothing of the Communist Party at all. I daresay if Mr. Durante and Mr. Berle were in your position today they would probably deny most vehemently that they had ever been members of the Communist Party. There is a significant difference in the nature of the testimony.

Mr. MOSTEL. But it is not my point. My point is that, nevertheless, the organization for which they appeared apparently here—my memory isn't clear on that—was declared subversive by the Attorney General's list long after the inception of that particular organization. Also, what I understand of your questioning, sir, I wasn't accused or said to be a member of the Communist Party. You said that the testimony you have against me is that Mr. Berkeley had said I attended a fraction meeting in a certain year, when I wasn't at that place.

Mr. JACKSON. Certainly, Mr. Chairman, reverting back to that point, if Mr. Mostel says he was not here at that time it seems to me that would be a misuse of the constitutional amendment, because an answer to the question would not tend to incriminate him.

Mr. DOYLE. That's right.

Mr. JACKSON. And in light of that, I am quite unsatisfied with the reliance on the amendment, and I ask the direction be given again on the question previously asked by counsel in that regard. If Mr. Mostel was not here at that time, if he was not in the city of Los Angeles, then a truthful answer to the question will not incriminate him.

Mr. MOSTEL. I answered one question and I answered a fact, when I was asked was I a member of several organizations—I don't recall the organization at this moment—I relied on my constitutional privileges. But to the fact that if I were present at this meeting, I vehemently deny I was there since it was physically impossible. So, therefore, I am relying on my constitutional privilege, I feel. I am not a big legal brain.

Mr. DOYLE. Do you want that question read, Mr. Jackson?

Mr. JACKSON. I would like to go back to make it perfectly clear. This was at the outset of your questioning having to do with the Martin Berkeley matter.

Were you a member of the Communist Party or of a Communist fraction of the party in 1938 in the State of California?

Mr. MOSTEL. Now you are asking me——

Mr. JACKSON. If during 1938 were you a member of the Communist Party or of a so-called Communist fraction in the city of Los Angeles or in the State of California?

Mr. MOSTEL. That question I have to answer several ways. Obviously I was never in California until 1942. But on all questions in the nature of asking me about my political affiliations I wish to rely upon my constitutional privileges under the fifth amendment.

Mr. JACKSON. I ask that direction be given inasmuch as the witness has volunteered the information that he was not in Los Angeles or in the State of California at that time.

Mr. DOYLE. You understand, Witness, we are not satisfied with the answer you have given as a sufficient answer, and therefore I direct you to expressly answer the question.

Mr. MOSTEL. I decline to answer that question on my constitutional privilege.

Mr. DOYLE. Very well.

Mr. JACKSON. Let the record show that I am not satisfied with the answer and believe it to be an improper use of the fifth amendment.

Mr. DOYLE. Let the record show that I believe the same.

Mr. GLADSTEIN. May counsel ask a question of you gentlemen?

I know it is not your rule to allow it, but under the circumstances, since you have both laid it on the record that you are not satisfied with the answer, I think the witness should be given the courtesy of having you state just why.

Mr. DOYLE. Of course, we do not have time or opportunity, as counsel knows, to enter into legal arguments.

Mr. GLADSTEIN. I appreciate that.

Mr. DOYLE. It is not a court, and under the decisions of the Supreme Court, as you know, counsel, it is the duty of the committee to make it clear to the witness that we are not satisfied with an answer, and that is what I am doing.

Mr. JACKSON. May I further explain my position on it so it will be very clear? The witness voluntarily made a statement that he was not in the city of Los Angeles or in the State of California at the time certain events are alleged to have taken place which was not in response to a direct inquiry by the committee. This was a voluntary statement on his part. Therefore, I am not satisfied with the use of the amendment in reply to a question which deals with that specific period of time. For the witness to volunteer the statement that he was not in this area at the time the alleged events took place and then later to refuse to answer substantially the same question is to me an improper use of the amendment.

Mr. GLADSTEIN. Well, if I may just state, the witness——

Mr. DOYLE. Let's proceed, please This is no place for legal argument. Mr. Jackson has frankly stated his position. So let's proceed.

Mr. GLADSTEIN. Very well.

Mr. MOSTEL. May I say something?

Mr. DOYLE. Certainly.

Mr. MOSTEL. From my limited understanding—and I appreciate your argument very much, Representative Jackson—I don't know. I understand completely your point, sir. My feeling is that when you ask me something about being physically present somewhere, then I will tell you if I were present somewhere according to the circumstances; but if I am asked as a physical fact if I was there and it was physically impossible for me to be there, I have to tell the truth in that way.

Mr. DOYLE. I think you always have to tell the truth, of course.

Mr. JACKSON. I want to make this very clear. The point is if you were not in the city of Los Angeles and the State of California at that time, the answer to any allegation or statement that might have been made relative to your activities at that time could not possibly incriminate you, in my humble opinion. I think, however, that it is clear on the record as to what position I take on it.

Mr. DOYLE. I think it is. Let's proceed.

Mr. TAVENNER. Mr. Mostel, the last document handed to you related to the youth rally held by American Youth for Democracy. Were you a member of American Youth for Democracy?

Mr. MOSTEL. Well, I decline to answer that on my previously stated grounds, relying on the constitutional privilege.

Mr. TAVENNER. Were you aware that in a report returned by this committee in 1948 on American Youth for Democracy that it was stated there that you were an AYD member? Were you aware of the fact that that had been so stated?

Mr. MOSTEL. I decline to answer that question on the previously stated grounds, constitutional amendment.

Mr. TAVENNER. I desire to offer the flier issued by the American Youth for Democracy in evidence, and ask that it be marked "Mostel Exhibit No. 1" for identification purposes and to be made a part of the committee files.

Mr. DOYLE. It will be so received and so marked.

Mr. MOSTEL. What does that mean?

Mr. DOYLE. It means we put it in our files of the record of this hearing.

Mr. TAVENNER. Mr. Mostel, you mentioned the names of several people in connection with the flier or the advertisement put out by the Joint Anti-Fascist Refugee Committee. A little while ago you told us you would not mention the names of other people. I assume you have reconsidered your position. So I want to go back now and ask you to tell us whether or not Ivan Black was known to you to be a member of the Communist Party.

Mr. MOSTEL. Well, I was merely reading that, you know, without telling you whether I know them or not. On the question of the name Ivan Black, I decline to answer on the previously stated grounds, constitutional grounds, sir. I forgot to put that in.

Mr. TAVENNER. I have before me a photostatic copy of an advertisement by a Voice of Freedom Committee of a rally and show to be held at Town Hall, Thursday, May 8, 1947, New York City, together with a program of that rally. On the advertisement appears the name of Zero Mostel as one of the entertainers. Do you recall whether or not you engaged in the entertainment on that occasion?

Mr. MOSTEL. May I see that, sir? Is this organization on the Attorney General's subversive list?

Mr. DOYLE. What is the name of it?

Mr. JACKSON. Voice of Freedom.

Mr. MOSTEL. Voice of Freedom Committee.

Mr. TAVENNER. Voice of Freedom was cited by the Attorney General of the United States as a Communist organization subsequent to the issuance of our guide to subversive organizations.

Mr. MOSTEL. I refuse to answer—I refuse to answer this question on the previously stated constitutional grounds.

Mr. JACKSON. Held on May 8, 1947.

Mr. MOSTEL. Oh, 8:15 it says, p. m.

Mr. TAVENNER. I desire to introduce the document in evidence and ask that it be marked "Mostel Exhibit No. 2" for identification purposes and to be made a part of the committee files.

Mr. DOYLE. It will be so received and so marked.

Mr. TAVENNER. I have now before me a photostatic copy of a flier advertising a public meeting under the auspices of Mainstream. The flier is entitled "Artists Fight Back Against Un-American Thought Control." The speakers include Zero Mostel.

Will you examine it and state whether or not you were a speaker on that occasion?

Mr. MOSTEL. I decline to answer that on the question on the previously stated grounds, constitutional grounds. You have more handbills about myself than I have.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Mostel Exhibit No. 3" for identification purposes and to be made a part of the committee files.

Mr. DOYLE. It will be so received and so marked.

Mr. TAVENNER. Will you tell this committee whether or not, on June 16, 1947, you entertained at a meeting held in the city of Washington under the auspices of the Southern Conference for Human Welfare?

Mr. MOSTEL. Have you got some document on that at all?

Mr. TAVENNER. No; I am referring to the report that this committee issued on that organization, when it cited the organization.

Mr. MOSTEL. I decline to answer that on the same constitutional grounds.

Mr. TAVENNER. Were you one of the sponsors of Artists' Front To Win the War program held in Carnegie Hall, October 16, 1942?

Mr. MOSTEL. I decline to answer that question on the same constitutional grounds.

Mr. TAVENNER. I offer in evidence photostatic copy of the frontispiece of the above-mentioned program together with the names of the sponsors, among which the name Zero Mostel appears, and ask that it be marked "Mostel Exhibit No. 4," and that it be incorporated in the transcript of the record.

Mr. DOYLE. It will be so received and so marked.

MOSTEL EXHIBIT No. 4

We believe that artists are the spokesmen of democracy's culture and ideals, which Hitler has sworn to destroy, and that we have a responsibility to act and speak now, when these traditions stand in such mortal danger.

ARTISTS' FRONT TO WIN THE WAR

CARNEGIE HALL, October 16, 1942

Sponsors:

THEATRE

Boris Aronson
Larry Adler
John Murray Anderson
Edith Atwater
Lemuel Ayers
Theron Bamberger
Howard Bay
Norman Bel Geddes
Mrs. Gertrude Berg
Aline Bernstein
Philip Bourneuf
Bertram Bloch
Franczika Boas
Paul Boepple
Asa Bordages
Ben Boyar
Horace Braham
J. Edward Bromberg
Helen Brooks
Himan Brown
John Byram
Edward A. Byron
Morris Carnovsky
Louis H. Chalif
Stewart Chaney
Michael Chekhov
Edward Choate
Peggy Clark
Janet Cohen
Jack Cole
Constance Collier
Gladys Cooper
John Craven
Jules Dassin
Mme. Tamara Daykarhanova
Agnes De Mille
Paul Douglas
Eddie Dowling
Todd Duncan
Jack Durant
Elspeth Eric
Judith Evelyn
Jose Ferrer
Virginia Field
Gae Foster
Martin Gabel
John E. Gibbs
Max Gordon
Mordecai Gorelik
Ben Grauer
Mitzi Green
Harry Wagstaff Gribble
Axel Gruenberg
Jack Guilford
Albert Hackett
Uta Hagen
Margie Hart
Teddy Hart
George Heller
Burnet Hershey
Alan Hewitt
Hildegarde
Hanya Holm
Emily Holt
Arthur Hopkins
Miriam Hopkins
Harry Horner
Norris Houghton
Henry Hull
Dori Humphrey
Rex Ingram
Henry Jaffe
Raymond Edward Johnson
Bill Johnstone
Nat Karson
Elia Kazan
Gene Kelly
Adelaide Klein
Peggy Knudsen
Elissa Landi
Charles Laughton
K. Elmo Lawe
Paula Lawrence
Canada Lee
Samuel Leve
Irene Lewisohn
Margaret Linley
Norman Lloyd
Katherine Locke
Philip Loeb
Avon Long
Eleanor Lynn
Bruce MacFarlane
Aline MacMahon
Mary Margaret McBride
Frederic McConnell
Byron McGrath
Paul McGrath
Margo
Sanford Meisner
Philip Merivale
Gilbert Miller
Karen Morley
Geraldine Morris
Zero Mostel
Jean Muir
Daniel Nagrin
Yeichi Nimura
Santos Ortega
A. L. Ostrander
Lisa Parnova
Patricia Peardon
Irving Pichel
Jane Pickens
Erwin Piscator
Minerva Pious
Vincent Price
James Proctor
Alan Reed
James F. Reilly
Hugh Rennie
Flora Robson
William N. Robson
David Ross
Selena Royle
Cesar Saerchinger
Victor Samrock
Jimmy Savo
Joseph Schildkraut
Thelma Schnee
Gilbert Seldes
Oscar Serlin
Anne Seymour
Herman Shumlin
Everett Sloane
Edward Sobol
Moses Smith
Johannes Steel
William Stern
Margot Stevenson
Beatrice Straight
William Sweets
Helen Tamiris
Paul Tchelitchew
Norman Tokar
Shepard Traube
Paula Trueman
Anthony Tudor
Frank Tuttle
Valentina
Lester Vail
Margaret Webster
Betty Winkler
Dame May Whitty
A. H. Woods
Leslie Woods
Keenan Wynn
Roland Young
Benjamin Zemach

MUSIC

Emil G. Balzer
Ethel Bartlett
Bela Bartok
Ben Bernie
Vera Brodsky
Adolph Busch
Aaron Copland
Xavier Cugat
Dean Dixon
Duke Ellington
Mischa Elman
William Feinberg
Fred Fradkin
Raya Garbousova
Eugene Goossens
Morton Gould

Mr. TAVENNER. I have before me a photostatic copy of a letter of October 24, 1945, on the stationery of the Spanish Refugee Appeal of the Joint Anti-Fascist Refugee Committee, from which appears a list of sponsors. Will you examine the letterhead, please, and state whether or not you see your name as one of the sponsors?

Mr. GLADSTEIN. Doesn't the document speak for itself?

Mr. MOSTEL. I decline to answer this question on the same constitutional grounds.

Mr. TAVENNER. I have before me a photostatic copy of a letter bearing the date of January 21, 1946, on the letterhead of the American Committee for Spanish Freedom. It is a letter written by the American Committee for Spanish Freedom to the chairman of this committee.

Mr. MOSTEL. That was foolhardy.

Mr. TAVENNER. Will you examine the list of sponsors appearing on page 2——

Mr. MOSTEL. Yes, I will.

Mr. TAVENNER. And state whether or not your name appears there as one of the sponsors.

Mr. MOSTEL. I decline to answer on the previously stated grounds, my constitutional rights.

Mr. TAVENNER. I have before me a photostatic copy of part of page 12 of the April 30, 1947, edition of PM, showing almost a half-page advertisement by Arts, Sciences, and Professions for May Day. Will you examine the document, please, and state whether or not your name appears in the advertisement as one of the sponsors?

Mr. DOYLE. I think there is a red underscoring appearing on the face of the document by the name of Zero Mostel.

Mr. MOSTEL. I wish it were a blue line.

I decline to answer this question on the previous grounds, my constitutional rights.

Mr. TAVENNER. I desire to offer the document in evidence, and ask that it be marked "Mostel Exhibit No. 5" and incorporated in the transcript of the record.

Mr. DOYLE. So received and so marked.

MOSTEL EXHIBIT NO. 5

Arts, Sciences and Professions

for

MAY DAY

★ ★ ★

Labor's cause is our cause.

May Day is one of the proudest holidays America knows.

Like Thanksgiving, May Day was born in America. The first May Day was held in Chicago in 1883 – and in the years since, May Day has become a part of the best American tradition.

For those who practice in our fields in the arts, the sciences, and the professions, May Day has an added significance this year. Never before has the tide of reaction in America run so strong; never before was the threat of fascism, of the extinction of all civil liberties so great.

If fascism should triumph in America, we would pay the fullest price. We in particular can live and work only as free men. Therefore, we join with labor in the great May Day demonstration for peace, security and freedom. We add our strength to the strength of the masses of people who cherish democracy.

WE ASK YOU TO JOIN WITH US! WE ASK YOU TO MARCH WITH US! ONLY THE STRENGTH OF THE PEOPLE CAN HALT THE TIDE OF REACTION! AND ONLY ON DAYS LIKE MAY DAY CAN THE STRENGTH OF THE PEOPLE BE SO CLEARLY SHOWN!

Our section of the parade assembles at 38th Street, between Eighth and Ninth Avenues at three o'clock on May 1st.

LOOK FOR OUR BANNERS!

Whether you be physician, dentist, lawyer, artist, writer, musician, teacher, clergyman, actor, dancer, accountant – or just a plain citizen who wants to march by his fellow man, your place is with us.

JOIN US THERE!

SPONSORS

Ralph Alswang
Maurice Becker
Walter Bernstein
Marc Blitzstein
Emanuel H. Block
Richard O. Boyer
Joseph R. Brodsky
Harold I. Cammer
Robert Carse
Nellise Child
Edward Chodorov
Jerome Chodorov
Rhea Chodorov
Bert Clark
Peggy Clark
Earl Conrad
Earnest Crichlow
Rev. John W. Darr, Jr.
Dr. Leon Davidoff
Arnaud d'Usseau
Susan d'Usseau
Philip Evergood
Howard Fast
Sol L. Firstenberg
Louis Fleischer
David M. Freedman
Milton H. Friedman
Louise Fitch
Will Geer
Ruth Gikow
Herta Glaz
Maxwell Gordon
James Gow
Shirley Graham
Harry Granick
William Gropper
Chaim Gross
Robert Gwathmey
Uta Hagen
Minna Harkavy
Nat Hiken
Libby Holman
Langston Hughes
Charles Humboldt
Charles Irving
Abraham J. Isserman
Mervin Jules
George Keane
Donna Keith
Rockwell Kent
Carol King
Alfred Kreymborg
Millard Lampell
S. Lev Landau
Daniel Lapidus
Dr. Edward Lasker
Maxim Leiber
Ray Lev
Jack Levine
Rev. David N. Licorish
Louise Malley
Rev. Jack R. McMichael
Rev. William H. Melish
Eve Merriam
Dr. Marc Moreland
—Zero Mostel —
Samuel A. Neuburger
Edna Ocko
Arthur Pollock
Anton Refregier
Philip Reisman
Paul Robeson
Herman Rosenfeld
Leon Rothier
Barnard Rubin
Matthew Silverman
Viola Brothers Shore
Jerome Snyder
Moses Soyer
Joseph Spencer
Rev. William B. Spofford, Jr.
William L. Standard
Harry Sternberg
William M. Sweets
Abraham Unger
Louis Untermeyer
Hilda Vaughn
Rev. Dr. Harry F. Ward
Theodore Ward
Max Weber
Irving Wexler
Charles White
Nathan Witt
William Zorach

Mr. TAVENNER. I have before me a photostatic copy of a letter bearing date of June 16, 1947, on the letterhead of Voice of Freedom Committee, which shows on its margin the names of the sponsors of the organization. Will you examine it, please, and state whether or not you see there the name of Zero Mostel underscored in red as one of the sponsors?

Mr. DOYLE. For his convenience I call the attention of the witness to a red line under the name of Zero Mostel on that letter.

Mr. MOSTEL. I decline to answer this question on the same stated grounds, constitutional liberties.

Mr. TAVENNER. In the following of your profession, Mr. Mostel, did you become a member of Actors' Equity Association in New York City?

Mr. MOSTEL. Well, I am a member of the Equity. Otherwise, I couldn't work on the stage.

Mr. TAVENNER. Are you——

Mr. MOSTEL. I am a senior member of Equity.

Mr. TAVENNER. Did you also become a member of American Federation of Television and Radio Artists?

Mr. MOSTEL. No, sir. I have been blacklisted on television.

Mr. TAVENNER. You are now a member of Actors Equity Association?

Mr. MOSTEL. Yes; I have to be.

Mr. TAVENNER. During the period of your membership in 1948 were you aware of an effort made by a group of individuals within the Actors Equity to solicit the assistance of Actors Equity in behalf of the 11 Communists on trial under the Smith Act in the City of New York?

Mr. MOSTEL. Your question is, am I aware of this?

Mr. TAVENNER. Yes.

Mr. MOSTEL. I decline to answer that question on the previously stated constitutional grounds.

Mr. TAVENNER. Have you at any time been aware of the existence of an organized group of members of the Communist Party in the city of New York who were members—or, at least, most of whom were members—of Actors' Equity?

Mr. MOSTEL. I have to decline to answer that question as well, on my constitutional privileges.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Mr. Jackson?

Mr. TAVENNER. I want to ask another question or two.

Have you been a member of the Communist Party at any time while you have been a member of Actors' Equity Association?

Mr. MOSTEL. I decline to answer that question, on the same constitutional grounds.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. MOSTEL. I am not.

Mr. TAVENNER. You are not?

Mr. MOSTEL. No, sir.

Mr. TAVENNER. Were you a member of the Communist Party on July 7, 1955, when you were subpenaed before this committee?

Mr. MOSTEL. I decline to answer that question on the previously stated constitutional grounds.

Mr. TAVENNER. Were you a member of the Communist Party at the time your counsel requested a postponement of your appearance before the committee, which was on August 17, 1955?

Mr. MOSTEL. I decline to answer that question as well, on my constitutional privileges.

Mr. TAVENNER. Were you a member of the Communist Party when you received your subpena to appear here today?

Mr. MOSTEL. I decline to answer that question as well, on my constitutional grounds.

Mr. TAVENNER. Were you a member of the Communist Party when you entered this hearing room?

Mr. MOSTEL. No.

Mr. TAVENNER. When did you cease to be a member of the Communist Party?

Mr. MOSTEL. I decline to answer that question on my constitutional grounds.

Mr. TAVENNER. Were you a member of the Communist Party yesterday?

Mr. MOSTEL. I decline to answer that question, on my same constitutional grounds.

Mr. TAVENNER. I have no further questions.

Mr. JACKSON. I have no questions, Mr. Chairman.

Mr. DOYLE. I wish to make this statement briefly for the committee. Mr. Jackson and I, the subcommittee of the full committee of nine, are here operating under the Public Law 601. The 79th Congress assigned to the Committee of the House on Un-American Activities the duty of investigating un-American subversive activities wherever they exist in our country, whether they come from some foreign country or arise domestically.

May I state—and I know Mr. Jackson would join me in this—that we never look forward with pleasure to this sort of hearing or any hearing by this committee where any American citizen is being cross-examined. We do not look forward to it with pleasure.

Mr. MOSTEL. I sure don't, either.

Mr. DOYLE. You must realize that. But it is an assignment that we have by Congress, and we are to do it fully and to the best of our ability.

On the other hand, we do know that there are some subversive people in our country who do advocate, when it suits their convenience, the forceful and violent overthrow of our Government. We know they exist.

Do you remember Mr. Tavenner asking you if you knew George Hall? And he stated that George Hall had testified that his job in the Communist Party was to entertain.

Mr. MOSTEL. Yes.

Mr. DOYLE. You remember hearing Mr. Tavenner say that?

Mr. MOSTEL. Yes, I do.

Mr. DOYLE. I noticed your answer. I wrote it down. I think it is almost verbatim. I don't think I missed more than 1 or 2 words, if any. Here was your interesting answer. It was voluntary, too:

> It is a far cry from the claim that the sole aim of the Communist Party is to overthrow the Government by force and violence.

That, to me, is quite significant, I am frank to say, Witness. Do you remember making that statement?

Mr. MOSTEL. Yes.

Mr. DOYLE. Why did you make that voluntary statement? That was not an issue here. We were asking you about George Hall's entertainment. We were not asking about force and violence.

Mr. MOSTEL. If I remember correctly, Mr. Tavenner did not ask me a question at the time, I just volunteered.

Mr. DOYLE. I know you volunteered. But why were you so anxious and prompt to volunteer the statement that this matter of entertainment was a far cry from the claim that the Communist Party advocated overthrow of the Government by force and violence? Why did you volunteer that?

Mr. MOSTEL. Well, I volunteered because from what I have read this committee believed that that is the sole aim of the Communist Party, and here suddenly came a new aim, which I was curious about and I remarked on it, from curiosity on my part. And I'm sorry I said anything.

Mr. DOYLE. Well, I assure you that it was a very interesting curiosity to me.

Mr. JACKSON. Mr. Chairman, the record should reflect that not only does this committee have reason to believe that the Communist Party as such advocates the overthrow of the Government by force and violence, but that that finding has been made in a number of courts where Smith Act defendants were on trial. So it is not peculiar to this committee to believe that.

Mr. DOYLE. And of course, Mr. Jackson, my recollection is that under the Smith Act in all the 9 or 10 jury trials in our country in the last 3 or 4 years every defendant, with the exception of 2, has been found guilty of violation.

Mr. GLADSTEIN. Let me correct you about that, too, sir.

Mr. DOYLE. I may be in error numerically, but only by a few.

Mr. GLADSTEIN. Those verdicts are against the individuals on trial in those cases.

Mr. DOYLE. Mr. Mostel, I realize the law says that there is no inference to be deduced by the witness' answer, that he ever was a member of the Communist Party unless he says he was. But I cannot help but feel, Witness, that there was a time when you were a member of the Communist Party in my own personal opinion from your testimony, because when you came into the room you were not a member of the Communist Party according to your own testimony.

Mr. MOSTEL. That is a feeling, not knowledge.

Mr. DOYLE. That is a feeling. It is not a conclusion; it is not my personal knowledge.

Mr. GLADSTEIN. You must be aware of Harvey Matusow, and others like him, who admitted that they falsely charged membership.

Mr. DOYLE. Harvey Matusow is not before this committee. I am making a frank statement to another American citizen.

Mr. GLADSTEIN. I understand that, and every American citizen must be aware of the dangers of prosecution and persecution.

Mr. JACKSON. Order, Mr. Chairman.

Mr. DOYLE. Just a moment, Mr. Gladstein.

Mr. GLADSTEIN. I'm sorry.

Mr. MOSTEL. Don't fight, boys.

Mr. DOYLE. Now, we have had so many witnesses before us who have said they were not members of the Communist Party when they

appeared before the committee; but inferentially, to me as an individual, when they answer that way they were members of the Communist Party at some time. I am not speaking for the committee. I am speaking just as an individual member of it.

Mr. MOSTEL. Isn't it Justice Warren's decision—I forget the case——

Mr. DOYLE. You mean in one of the three recent cases?

Mr. MOSTEL. Where it says you must not infer anything of that nature. If it is a man's private affairs, he has private reasons for doing what he does do.

Mr. DOYLE. That is right, and I am glad you are familiar with those three decisions, because——

Mr. MOSTEL. I am not familiar; I am casually acquainted.

Mr. DOYLE. Yes; casually. Well, we followed those decisions for years. That is nothing new for us, those three recent decisions.

May I say this to you: Now, you are in a great field——

Mr. MOSTEL. Sometimes.

Mr. DOYLE. You are in a great field of entertainment of the American public. From now on why don't you get far removed from groups that are known to be Communist dominated or Communist controlled, that sort of thing? Why don't you get so far away from them that the American public will never have any possible claim to think you ever were or ever in the future are a member of the Communist Party?

Mr. MOSTEL. I have——

Mr. DOYLE. Why don't you remove yourself far away from that atmosphere, sir? You can be a much better inspiration and joy to the American people if they just know that there is not a drop, not an inkpoint, not a penpoint of a favorable attitude by you toward the Communist conspiracy.

Mr. MOSTEL. My dear friend, I believe in the antiquated idea that a man works in his profession according to his ability rather than his political beliefs. When I entertain, my political beliefs are not spouted. As a matter of fact, I am casual about my political beliefs, which I wouldn't tell anybody, unless you are my friend and you are in my house.

Mr. DOYLE. I am not asking about——

Mr. MOSTEL. And I have bad instant coffee I make, I'll tell you that.

Mr. DOYLE. I am not asking about your political beliefs.

Mr. MOSTEL. My dear friend, I believe in the idea that a human being should go on the stage and entertain to the best of his ability and whatever he wants to say, because we live, I hope, in an atmosphere of freedom in this country.

Mr. DOYLE. That's right, and we will fight for your right to think as you please and be as you please and do as you please, provided you do it within the four corners of the Constitution. Don't you think it is your duty as a great entertainer to at least find out hereafter where the money you help raise is going, whether or not it is going to some subversive cause against the constitutional form of government in our Nation? Don't you think, after this sort of hearing at least, if not before, seeing the effect of these documents appearing in public, don't you think you ought——

Mr. MOSTEL. Well, you see, I have such a private opinion, which, honestly, I can't speak about these documents.

Mr. JACKSON. Mr. Chairman, may I say that I can think of no greater way to parade one's political beliefs than to appear under the auspices of Mainstream, a Communist publication, on the same program, the same platform, as it is alleged here—you have refused to state whether or not you actually did so appear—with Dalton Trumbo, Hans Eisler, John Howard Lawson, W. E. B. DuBois, Dorothy Parker, Howard Fast, and Zero Mostel.

That program to me speaks volumes as to why you are here. Communist propaganda cannot exist without the funds that are derived from programs of this kind, and I daresay that your name on these many things for which Communist funds were being raised for Communist purposes bolstered and furthered those purposes whether or not you appeared.

Mr. MOSTEL. I appreciate your opinion very much, but I do want to say that—I don't know, you know—I still stand on my grounds, and maybe it is unwise and unpolitic for me to say this: If I appeared there, what if I did an imitation of a butterfly at rest? Therefore, I was not—there is no crime in making anybody laugh. I don't care if you laugh at me.

Mr. JACKSON. If your interpretation of a butterfly at rest brought any money into the coffers of the Communist Party, you contributed directly to the propaganda effort of the Communist Party. Now, there is where it is important.

Mr. MOSTEL. Suppose I had the urge to do the butterfly at rest somewhere?

Mr. DOYLE. Yes; but please, when you have the urge, don't have such an urge to put the butterfly at rest by putting some money in the Communist Party coffers as a result of that urge to put the butterfly to rest. Put the bug to rest somewhere else next time.

Mr. JACKSON. I suggest we put this hearing butterfly to rest.

Mr. GLADSTEIN. Just to straighten out the record, may I say, Congressman Jackson, that I don't see on that anything about the Communist Party as such. It says it was under the auspices of Mainstream.

Mr. JACKSON. Mainstream. The tickets, however, were on sale, significantly enough, at the Jefferson Book Shop, which I believe is a notorious Communist book shop, and the Workers Book Shop. They were not on sale at Macy's basement.

Mr. MOSTEL. They might have been.

Mr. JACKSON. Or at the public library. If they were, they did not advertise it.

Mr. Chairman, I move we adjourn.

Mr. GLADSTEIN. Is the witness excused, Mr. Chairman?

Mr. DOYLE. The witness is excused. Thank you, Mr. Mostel. Remember what I said to you.

Mr. MOSTEL. You remember what I said to you.

(Thereupon, at 11:50 a. m., October 14, 1955, the hearing was adjourned.)

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